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A

COLLECTION,

OF THE

PUBLIC GENERAL STATUTES,

PASSED IN THE

Seventeenth and Eighteenth Year

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the SECOND SESSION of the SIXTEENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN and IRELAND

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A

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OF

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lxviii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway to *Caterham* in the County of *Surrey*. 981

lxix. An Act for granting further Powers to the *Eastern Union* Railway Company with respect to the Extension to *Woodbridge*. 997

lxx. An Act to enable the *Stockton, Middlesbrough, and Yarm* Water Company to supply with Water the Township of *Norton* in the County of

of *Durham*, and the Townships of *Coatham* and *Redcar* in the North Riding of the County of *York*, and other Places on the Line of the Mains and Pipes of the Company; and to enable the Company to raise a further Sum of Money; and to amend the Act relating to the Company; and for other Purposes. 1001

lxxi. An Act to repeal certain Acts relating to the *Petworth* Turnpike Roads, and to make other Provisions in lieu thereof. 1021

lxxii. An Act to enable the *New River* Company to construct new Reservoirs and other Works in the County of *Middlesex*. 1033

lxxiii. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to purchase all or any Estates, Rights, and Interests existing in the Lands or Grounds upon or adjoining to which the Railway of the said Company, called "The *Pontop and South Shields* Railway," has been formed, or otherwise to occupy such Lands or Grounds. 1045

lxxiv. An Act for maintaining the Turnpike Road from *Greenhead*, through *Haltwhistle*, *Hexham*, and *Corbridge*, to the Military Road near *Shildon Bar*, and the Branch Road from *Corbridge* to *Heddon-on-the-Wall*, all in the County of *Northumberland*. 1053

lxxv. An Act to create a further Term in the *Trowbridge* Roads, to add other Roads to the Trust, to amend and extend the Act relating to the said Roads, and for other Purposes. 1069

lxxvi. An Act to enable the *Furness* Railway Company to raise a further Sum of Money; and for the Amendment of the Acts relating to the said Company. 1085

lxxvii. An Act to make Provision with respect to Water Supply and Police for *Shipley*, *Baildon*, and *Windhill* in the West Riding of the County of *York*. 1093

lxxviii. An Act to incorporate "The *Kingston-upon-Thames* Gas Company," and to enable them to light with Gas the Parishes of *Kingston*, *Long Ditton*, and *Thames Ditton* in the County of *Surrey*. 1109

lxxix. An Act for enabling the *Blyth and Tyne* Railway Company to construct Railways to *Tynemouth* and the *Longhirst* Station of the *York, Newcastle, and Berwick* Railway in the County of *Northumberland*; and for consolidating and amending the Acts relating to such Company. 1117

lxxx. An Act to enable the *North London* Railway Company to construct a Station or Depôt near to the New Metropolitan Cattle Market; to raise additional Capital; and for other Purposes. 1145

lxxxi. An Act to repeal an Act for inclosing the Marsh in the Township of *Newport* in the County of *Salop*, and to vest the same and other Property in Trustees for paving, draining, cleansing, and otherwise improving the Town of *Newport*; and for other Purposes. 1153

lxxxii. An Act to amend "The *Nene Valley* Drainage and Navigation Improvement Act, 1852," and to provide additional Funds for carrying out certain of the Improvements authorized by such Act. 1173

lxxxiii. An

lxxxiii. An Act for regulating and improving the Town of *Ryde* in the *Isle of Wight*, and providing a Supply of Gas and Water thereto, and for other Purposes. 1205

lxxxiv. An Act to repeal an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for more effectually constituting and regulating the Court of Record within the Borough of* Manchester, *and for extending the Jurisdiction of the said Court*, and to extend the Powers and Jurisdiction of the said Court, and to simplify and otherwise improve its Practice and Proceedings; and for other Purposes. 1253

lxxxv. An Act for enabling the *Cornwall* Railway Company to make certain Modifications in their Share Capital; and for other Purposes. 1289

lxxxvi. An Act for making a Turnpike Road from *Chester* by *Farndon* to *Worthenbury*, with a Branch therefrom to the Village of *Farndon*. 1301

lxxxvii. An Act to consolidate and extend the Powers of the *Accrington* Gas and Water Works Company, and to enable them the better to supply with Gas and Water the Townships and Places of *Old Accrington*, *New Accrington*, *Church*, *Lower Booths*, and *Huncoat*, in the Parish of *Whalley*, and the Extra-parochial Place of *Henheads*, all in the County of *Lancaster*, and to sell or lease their Undertaking to the Local Board of Health for the District of *Accrington*; and for other Purposes. 1313

lxxxviii. An Act to establish a General Cemetery for the Borough of *Doncaster*, and for other Purposes. 1337

lxxxix. An Act to extend the Powers of the Commissioners of Sewers for the Levels of *Havering*, *Dagenham*, and other Places, and to enable them to construct Sewers in the Parishes of *West Ham*, *East Ham*, and *North Woolwich*. 1357

xc. An Act for the better supplying with Water the Parliamentary Burgh or Town of *Hamilton* and Suburbs thereof. 1369

xci. An Act to incorporate the *Birmingham and Midland* Institute, to define its Constitution, and to enable the Council of the Borough of *Birmingham* to grant a Site for the Institute Buildings. 1389

xcii. An Act for improving the Harbour of *Blyth* in the County of *Northumberland*, and for constructing Docks there; and for other Purposes. 1409

xciii. An Act to enable the *Crystal Palace* Company to divert certain Roads, and to take and let Land on Lease; and for other Purposes. 1437

xciv. An Act to incorporate "The *Surrey Consumers* Gaslight and Coke Association," and to enable them to raise further Sums of Money; and for other Purposes. 1441

xcv. An Act to repeal the Acts relating to the Turnpike Road from *Gloucester* through *Painswick* to *Stroud*, and make other Provisions in lieu thereof. 1457

xcvi. An Act to enable the *Cork and Bandon* Railway Company to make a Branch Railway to *Skibbereen*, and to raise further Capital for the *Cork and Bandon* Railway; and for other Purposes. 1469

xcvii. An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the* Wadsley and Langset *Turnpike Road, and extending the same in Two Lines to join the* Huddersfield and Woodhead *Turnpike Road in the Townships of* Upperthong *and* Honley *in the West Riding of the County of York*, and to continue the Term thereby granted, so far as the said Act and the Term thereby granted relate to the *New Mill* District of Road therein mentioned. 1477

xcviii. An Act to alter the Site of the new Bridge authorized to be erected over the River *Foyle* at *Londonderry*, and to make Approaches thereto. 1489

xcix. An Act for providing Waterworks, Gasworks, and public Baths and Wash-houses for the Town and Borough of *Beccles* in the County of *Suffolk*. 1497

c. An Act to incorporate the *Hull* General Cemetery Company, and to enlarge and improve their Cemetery; and for other Purposes. 1513

ci. An Act for the further Improvement of *Kingston-upon-Hull*, and for other Purposes. 1525

cii. An Act for paving, lighting, watching, draining, supplying with Water, watering, cleansing, regulating, and otherwise improving the Town of *Llandudno* in the County of *Carnarvon*, for making a Cemetery, and for establishing and regulating a Market and Market Places therein; and for other Purposes. 1581

ciii. An Act for more effectually repairing several Roads adjoining or near to the Town of *Bideford*, and for making several Lines of Road connected with the same, all in the County of *Devon*. 1613

civ. An Act for regulating the Police of the Royal Burgh of *Lanark*, and for paving, draining, cleansing, lighting, watching, and improving the same, for regulating the Markets thereof; and for other Purposes. 1625

cv. An Act for more effectually repairing the Roads in the Counties of *Worcester* and *Stafford* known as the *Dudley*, *Halesowen*, and *Bromsgrove* District of Roads. 1633

cvi. An Act to embank and reclaim from the Sea certain Waste Lands subject to be overflowed by the Tide, called *Tacumshin Lake*, in the County of *Wexford*. 1645

cvii. An Act to authorize the making certain Roads and stopping up certain Lanes and Footways between *Kensington Gore* and *Brompton* in the County of *Middlesex*, and for otherwise facilitating the Formation of a Site for Institutions connected with Science and the Arts. 1661

cviii. An Act for enabling the *Great Western* Railway Company to provide additional Station Accommodation at *Birmingham*, *Wolverhampton*, and *Bushbury*; and for other Purposes. 1673

cix. An

cix. An Act to repeal an Act for enlarging the Term and Powers of an Act of His late Majesty *George* the Third, for repairing the Road from *Saint Martin Stamford Baron* to *Kettering*, and from *Oundle* to *Middleton-Lane*, in the County of *Northampton*, and to make other Provisions in lieu thereof. 1681

cx. An Act for supplying with Water the Parishes of *Bangor*, *Llandegai*, and *Llanllechid*, and with Gas the Parish of *Bangor*. 1693

cxi. An Act for the Improvement of the Town of *Bethesda* and Neighbourhood in the County of *Carnarvon*. 1717

cxii. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to make new Canals and other Works; and for other Purposes. 1745

cxiii. An Act for establishing Parks in or near to the Borough of *Birmingham*. 1773

cxiv. An Act for constructing a Market House and other Buildings for Public Accommodation at *Chesterfield* in the County of *Derby*, and for the better Regulation and Maintenance of the Market there. 1777

cxv. An Act for making a Railway from the *Stockton and Darlington* Railway near *Darlington* to or near to *Barnard Castle*, both in the County of *Durham*, and for making Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes. 1793

cxvi. An Act for making a Railway from the *Dowlais* Railway to the *Vale of Neath* Railway at *Merthyr Tydfil*, and for other Purposes, and of which the Short Title is "The *Dowlais* Railway Act, 1854." 1809

cxvii. An Act for vesting in the *East Lancashire* Railway Company jointly with the *Lancashire* and *Yorkshire* Railway Company certain Parts of the *Manchester* and *Southport* Railway and of the *Lancashire and Yorkshire* Railway; and for other Purposes. 1825

cxviii. An Act to amend "The *Edinburgh* Police Act, 1848," and to make further Provision for Sewerage, Drainage, and Improvement of the City of *Edinburgh*, for deepening and cleansing the Water of *Leith*, and for other Purposes. 1845

cxix. An Act for making a Railway in Deviation and Extension of the *Halesworth, Beccles, and Haddiscoe* Railway from *Westhall Low Common* to *Woodbridge*, and certain Branches therefrom, and for changing the Name of the Company to the *East Suffolk* Railway Company. 1865

cxx. An Act to amend the Provisions of certain Acts relating to the *Shrewsbury and Chester* Railway Company, and for other Purposes. 1889

cxxi. An Act to enable the *South Sea* Company to realize and divide their Capital Stock and Assets. 1897

cxxii. An Act for enabling the *South Devon* Railway Company to improve their *Sutton Harbour* Branch, and for other Purposes, and of which the Short Title is "The *South Devon* Railway (*Sutton Harbour* Branch) Act, 1854." 1901

cxxiii. An

cxxiii. An Act to continue the Term and to amend and extend the Provisions of the Act relating to the *Winchester and Petersfield* Turnpike Road; and for other Purposes. 1913

cxxiv. An Act to make further Provision for supplying with Water the Borough of *Bradford* and certain Places in the Neighbourhood thereof. 1921

cxxv. An Act for the Regulation of the Municipal Corporation of the Borough of *Yeovil* in the County of *Somerset*, and for the Extension of the Boundaries of the said Borough, and for the Improvement of the said Borough. 1981

cxxvi. An Act for the Conservancy and Improvement of *Swansea* Harbour, and for other Purposes, and of which the Short Title is "The *Swansea* Harbour Act, 1854." 2013

cxxvii. An Act for making a Railway from the *Great Northern* Railway at or near *Welwyn* in the County of *Hertford* to *Hertford* in the same County, to be called the "*Hertford and Welwyn* Junction Railway;" and for other Purposes. 2077

cxxviii. An Act for authorizing the *Stockton and Darlington* Railway Company to make new Works, and for other Purposes, and of which the Short Title is "The *Stockton and Darlington* Railway Act, 1854." 2097

cxxix. An Act for better supplying with Water the Borough of *Bradford* in the County of *York*. 2129

cxxx. An Act to authorize certain Improvements in or in connexion with the *Lowestoft* Harbour, and for other Purposes. 2149

cxxxi. An Act for constructing a Bridge for Foot Passengers across the River *Clyde* opposite to the North End of *MacNeil Street* in the City of *Glasgow*. 2157

cxxxii. An Act for making a Railway from the *Great Southern and Western* Railway near *Mallow* to *Fermoy*, to be called "The *Mallow and Fermoy* Railway;" and for other Purposes. 2169

cxxxiii. An Act to alter the Line of the *London, Tilbury, and Southend* Extension Railway, to authorize the Lease thereof, and the Purchase of the Railway and certain Parts of the Works belonging to the *Thames Haven* Dock and Railway Company; and for other Purposes. 2181

cxxxiv. An Act for Removal of Toll Bars beyond the Parliamentary Boundaries of the City of *Edinburgh*, and for other Purposes. 2197

cxxxv. An Act to enable the *Londonderry and Enniskillen* Railway Company to make a Branch Railway to *Fintona*, and to extend their Line at *Londonderry*; and for other Purposes. 2209

cxxxvi. An Act for making a Railway from the *Irish South-eastern* Railway at *Bagenalstown* to *Wexford*, to be called "The *Bagenalstown and Wexford* Railway." 2217

cxxxvii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Brighton, Cuckfield*, and *Lowell Heath*, and *Cuckfield* and *West Grinsted* Turnpike Roads. 2233

cxxxviii. An

cxxxviii. An Act to authorize the Extension by the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway Company of their Line of Railway into the Town of *Nottingham*, the Formation of a Station there; and for other Purposes. 2249

cxxxix. An Act to give further Powers to the *Law* Life Assurance Society with respect to the Investment of the Funds of the Society. 2257

cxl. An Act to authorize the Trustees of the *Rochdale and Burnley* Turnpike Roads to take Toll in respect of the Carriages of certain Stones. 2261

cxli. An Act for enabling the *North* and *South Western* Junction Railway Company to raise additional Capital, and for other Purposes. 2265

cxlii. An Act to amend the *Tralee and Killarney* Railway Act, 1853. 2289

cxliii. An Act for making a Railway from *Horncastle* in *Lincolnshire* to the *Kirkstead* Station of the *Great Northern* Railway. 2301

cxliv. An Act for making a Railway from the *Shrewsbury and Hereford* Railway at *Leominster* to *Kington* in *Herefordshire*. 2321

cxlv. An Act for more effectually repairing the Road from the *Toll House Beck* in the Township of *Ireby* in the County of *Lancaster* to *Kirkby Lonsdale* and *Kirkby Kendal* in the County of *Westmoreland*, and through *Kirkby Lonsdale* to *Milnthorpe* in the said County. 2337

cxlvi. An Act for making a Railway from the *Ayr and Dalmellington* Railway near the *Cothouses* on the Farm of *Pleasantfield* to the Town of *Maybole*, to be called "The *Ayr and Maybole Junction* Railway." 2349

cxlvii. An Act for supplying the Township of *Stourbridge* and the Neighbourhood thereof with Water. 2369

cxlviii. An Act for making a Railway from the *Scottish Midland* Junction Railway near *Stanley* to *Birnam* near *Dunkeld* in the County of *Perth*. 2381

cxlix. An Act to authorize the *Shrewsbury and Hereford* Railway Company to provide Station Accommodation in *Shrewsbury* and *Hereford*, and to enter into Arrangements and Agreements with the *Hereford, Ross, and Gloucester* Railway Company. 2397

cl. An Act for making a Railway from the Town of *Llandovery* in the County of *Carmarthen* to join the *Llanelly* Railway at *Llandilofawr* in the same County, and for other Purposes. 2409

cli. An Act to incorporate a Company for making a Railway from near the *Picton* Station on the *Leeds Northern* Railway to near the *Grosmont* Station on the *Whitby and Pickering* Branch of the *York and North Midland* Railway, and for other Purposes. 2425

clii. An Act to repeal the Act relating to the *Thirsk and Yarm* Turnpike Road, and to make other Provisions in lieu thereof, and to grant a further Term in the said Road; and for other Purposes. 2449

cliii. An Act to enable the *Eastern Counties* Railway Company to enlarge and improve their Goods Station in the Parish of *Saint Matthew Bethnal Green* in the County of *Middlesex*. 2465

cliv. An Act to enable the granting Building Leases of Parts of the *Camden Town* Cemetery belonging to the Parish of *Saint Martin in the Fields* not heretofore used for the Purpose of Interment, and for other Purposes. 2469

clv. An Act to enable the *Caledonian* Railway Company to make certain Branch Railways and other Works in the County of *Lanark;* and for other Purposes. 2509

clvi. An Act for altering the Lines authorized by the *Caledonian* Railway (*Lesmahagow* Branches) Act, 1851, and for otherwise amending that Act. 2521

clvii. An Act to confer further Powers on the *Dukinfield* Gas Company. 2533

clviii. An Act for enabling the *South Wales* Railway Company to acquire additional Land at *Swansea*, and for enlarging the Powers of Lease or Sale to and Contribution by the *Great Western* Railway Company, and for authorizing Arrangements between the *South Wales* Railway Company and the *Vale of Neath* Railway Company, and for other Purposes. 2545

clix. An Act for the Improvement of the Borough of *Bolton*, and for other Purposes, and of which the Short Title is "*Bolton* Improvement Act, 1854." 2553

clx. An Act for making a Railway from the *Leeds, Bradford, and Halifax Junction* Railway near *Leeds* to *Wakefield*, all in the West Riding of the County of *York*, to be called "The *Bradford, Wakefield, and Leeds* Railway;" and for other Purposes. 2625

clxi. An Act for the Improvement and Regulation of the Town of *Lowestoft*, and the Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley*, in the County of *Suffolk*, and for other Purposes. 2653

clxii. An Act to enable the *Leeds, Bradford, and Halifax Junction* Railway Company to construct a Railway in extension of and to alter the Levels of Part of their Railway from *Gildersome Street* to *East Ardsley* in the West Riding of the County of *York;* and for other Purposes. 2685

clxiii. An Act for the better paving, draining, lighting, cleansing, and otherwise improving the Parish of *West Bromwich* in the County of *Stafford*, and for constructing Cemeteries there, and for making, maintaining, and regulating Markets and Market Places therein; and for other Purposes. 2697

clxiv. An Act to confer additional Powers on the *York, Newcastle, and Berwick* Railway Company for constructing Docks at *Jarrow Slake*, and a Branch Railway thereto; and to enable the Dean and Chapter of *Durham* to appropriate a Portion of the Money payable to them for the Purchase of Lands for the same to the Endowment of a Church; and for other Purposes. 2721

clxv. An Act to repeal the Act for more effectually repairing and maintaining the Turnpike Road from *Chapel-en-le-Frith* to or near to *Enter-*

Entercloughbridge in the County of *Derby*, and other Roads therein mentioned, in the County of *Derby* and in the County Palatine of *Chester;* and to make other Provisions in lieu thereof. 2745

clxvi. An Act to re-incorporate the Patent Solid Sewage Manure Company, and to extend its Powers. 2757

clxvii. An Act for supplying with Gas the Townships of *Farnworth* and *Kearsley* in the County Palatine of *Lancaster*. 2773

clxviii. An Act to enable the *Bangor and Caernarvon* Railway Company to raise additional Capital, and to authorize the Sale or Lease of the said Company's Railway to the *Chester and Holyhead* Railway Company. 2777

clxix. An Act for the Provision, Regulation, and Maintenance of County Industrial Schools in *Middlesex*. 2789

clxx. An Act for the Embankment, Reclamation, and Drainage of Lands in the Bay of *Bannow* in the County of *Wexford*. 2809

clxxi. An Act to amend the Acts relating to the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway Company, and to authorize the Reduction and Regulation of and certain Arrangements as to the Capital of the said Company; and for other Purposes. 2825

clxxii. An Act for more effectually draining certain Fen Lands and Wet Grounds called "The *Great West Fen*," in the Parish of *Hilgay* in the County of *Norfolk*. 2853

clxxiii. An Act for more effectually repairing the Road from *Stourbridge* in the County of *Worcester* to *Bridgnorth* in the County of *Salop*. 2869

clxxiv. An Act to enable the *Shrewsbury and Hereford* Railway Company to lease their Undertaking. 2877

clxxv. An Act to enable the *Dublin and Wicklow* and the *Dublin and Kingstown* Railway Companies to alter certain existing Contracts therein mentioned; and for other Purposes. 2881

clxxvi. An Act for making a Railway from the Town of *Inverness* to the Town of *Nairn*. 2885

clxxvii. An Act to consolidate the several Acts relating to the Port and Harbour of *Londonderry;* for the Improvement of the Navigation of the Lough and River of Lough *Foyle;* and to authorize the Construction of a uniform Line of Quays, Docks, and other Works. 2905

clxxviii. An Act for the more effectual Drainage and Improvement of certain Lands in the Wapentake of *Ouse* and *Derwent* in the East Riding of the County of *York*, and for other Purposes. 2953

clxxix. An Act to reduce the Capital and define the Undertaking of the *Shropshire* Union Railways and Canal Company. 2989

clxxx. An Act for making a Railway from the Town of *Wells* to join the *Norfolk* Railway at *Fakenham*, to be called "The *Wells and Fakenham* Railway." 2997

clxxxi. An.

clxxxi. An Act to enable the Local Board of Health for the Township of *Darlington* to supply Gas and Water within their District, and to purchase the Works of the *Darlington* Gas and Water Company; to establish and regulate Markets and Slaughter-houses, and a Public Park; to construct Sewage Works, and raise Money; and for other Purposes. 3013

clxxxii. An Act for vesting the *Ardrossan* Railway in the *Glasgow and South-western* Railway Company, and for other Purposes. 3045

clxxxiii. An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of *Blackburn* all the Powers and Property now vested in "The *Blackburn* Improvement Commissioners," and certain Powers and Property by the Private Act of the Fourth and Fifth Years of the Reign of Her present Majesty, Chapter Forty-six, vested in the Overseers of the Poor of the Township of *Blackburn*, authorizing the Corporation to purchase the Property of the *Blackburn* Waterworks Company, and conferring on them further Powers for the Improvement and Regulation of the Borough; and for other Purposes. 3073

clxxxiv. An Act for vesting in the *Caledonian* Railway Company certain Portions of the Undertaking of the *General Terminus and Glasgow Harbour* Railway Company. 3141

clxxxv. An Act to enable the *Newport* Dock Company to construct a new Dock and other Works; and for other Purposes. 3149

clxxxvi. An Act to enable the *Portsmouth* Railway Company to make certain Alterations in the Line and Levels of their Railway, and to extend their said Line from *Godalming* to *Shalford*; and for other Purposes. 3173

clxxxvii. An Act to authorize the *Great North of Scotland* Railway Company to divert their Railway, to make a short Branch to the *Victoria* Docks at *Aberdeen*, to enter into Arrangements with the *Aberdeen Harbour* Commissioners and the *Aberdeen* Railway Company with respect to a Tramway to connect the Two Railways; and for other Purposes. 3185

clxxxviii. An Act for the more effectual Drainage and Improvement of certain Lands in the Parish of *Methwold* in the County of *Norfolk*, and for other Purposes. 3197

clxxxix. An Act for making a Railway from the *South Devon* Railway near *Plymouth* to *Tavistock*, with a Branch, to be called "The *South Devon and Tavistock* Railway," and for other Purposes. 3237

cxc. An Act for incorporating and regulating a Company to be called "The Royal Conical Flour Mill Company," and to enable the said Company to purchase, work, and use certain Letters Patent; and for other Purposes. 3253

cxci. An Act to enable the *Newport and Pillgwenlly* Waterworks Company to increase and extend their Supply of Water, and to construct new Works; and for other Purposes. 3269

cxcii. An Act for authorizing Arrangements with respect to the *South Reserve* at *Birkenhead*, and for other Purposes, and of which the Short Title is "The *Birkenhead* Dock Trustees Act, 1854." 3293

cxciii. An

cxciii. An Act for making a Railway from *Rhymney* to a Point of Junction with the *Newport, Abergavenny, and Hereford* Railway near *Bedllewyn*, with a Branch up the *Bargoed Rumney Valley*, to be called "The *Rhymney* Railway," and for other Purposes. 3301

cxciv. An Act to enable the *North Staffordshire* Railway Company to make a Railway from *Stoke-upon-Trent* to *Congleton*, with Branches therefrom. 3317

cxcv. An Act to repeal, alter, amend, and extend some of the Powers and Provisions of "The *Tees* Conservancy and *Stockton* Dock Act, 1852," and for other Purposes relating to the Conservancy of the *Tees*. 3329

cxcvi. An Act for making a Turnpike Road from *Garth-Penbryn* to *Adwyddu* in the County of *Merioneth*, with a Bridge over the Estuary of *Traethbach* in the said County. 3337

cxcvii. An Act to incorporate a Company for the Purpose of lighting with Gas the Parishes of *Tormoham* and *Saint Mary Church* in the County of *Devon*. 3349

cxcviii. An Act for transferring to a Company the Powers vested in the Commissioners under "The *North Shields* Quay Act, 1851." 3357

cxcix. An Act for making a Railway from the Town and Royal Burgh of *Selkirk* to the *Hawick* Branch of the *North British* Railway, about a Mile Southwards from the *Galashiels* Station of the said Branch; and for other Purposes. 3365

cc. An Act for making a Railway from the *London and North-western* Railway near *Stockport* to *Disley* and *Whaley Bridge*, all in the County of *Chester*; and for other Purposes. 3381

cci. An Act for authorizing the Transfer to the *London and North-western* Railway Company of the *Haydon Square* Branch of the *London and Blackwall* Railway, and for other Purposes; and of which the Short Title is "The *London and North-western* Railway Act, 1854." 3405

ccii. An Act for enabling The *Great Western* Railway Company to make a Branch Railway to connect The *Berks and Hants* Railway with the Main Line of The *Great Western* Railway near *Reading*; for extending the Time for Completion of Parts of The *Wilts, Somerset, and Weymouth* Railway, and for reviving the Powers for Purchase of Land for, and for completing other Portions of that Railway; and for other Purposes. 3425

cciii. An Act for limiting the Liability of the Shareholders in the *Electric Telegraph* Company, and for granting additional Powers to such Company. 3441

cciv. An Act for determining the existing Lease of the *West London* Railway to the *London and North-western* Railway Company, and for enabling the last-mentioned Company and the *West London* Railway Company to enter into fresh Arrangements for the Sale or Lease of the Undertaking of the *West London* Railway Company to the *London and North-western* Railway Company, and for the Settlement of all Disputes between the said Companies; and for other Purposes. 3449

ccv. An Act for making a Railway from the Parish of *Saint John the Evangelist* in the City and Liberty of *Westminster* to *Clapham* in the County of *Surrey*, with a Branch from such Railway to join the authorized Line of the *West End of London and Crystal Palace* Railway at *Long Hedge Farm* in the Parish of *Saint Mary Battersea* in the County of *Surrey*. 3461

ccvi. An Act to extend the Powers of the *Cork and Waterford* Railway Company, and to enable them to abandon Part of their Railway to *Waterford*, and the Branch to *Tranmore*; and for other Purposes. 3505

ccvii. An Act to alter the Lines and Levels of the *Stratford-upon-Avon* and *Stourbridge* Branches of the *Oxford, Worcester, and Wolverhampton* Railway; to construct certain Branch Railways and Works connected therewith; to amend the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; and for other Purposes. 3517

ccviii. An Act to authorize Agreements between the *Direct London and Portsmouth* Railway Company and the *Portsmouth* Railway Company, and for winding up the Affairs of the *Direct London and Portsmouth* Railway Company. 3533

ccix. An Act for enabling the *Oxford, Worcester, and Wolverhampton* Railway Company to construct a Branch Line of Railway to the Town of *Chipping Norton* in the County of *Oxford*, and for regulating the Working and Use of the same by such Company. 3537

ccx. An Act to enable the *West End of London and Crystal Palace* Railway Company to make a Railway from *Norwood* to *Bromley* and *Farnborough*, and for other Purposes. 3545

ccxi. An Act to dissolve the *York and North Midland* and *Leeds Northern* Railway Companies, and to vest their Undertakings in the *York, Newcastle, and Berwick* Railway Company, to be thenceforth called "The *North-eastern* Railway Company," and to alter the Constitution of that Company, and to authorize working Arrangements with the *Malton and Driffield Junction* Railway Company, and the Amalgamation of that Company with such United Company; and for other Purposes. 3553

ccxii. An Act for making a Railway from the *Newcastle-upon-Tyne and Carlisle* Railway, at or near *Hexham* in the County of *Northumberland*, to or near the *Belling* in the Parish of *Falstone* in the same County, to be called "The *Border Counties* Railway (*North Tyne* Section);" and for other Purposes. 3589

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ccxiv. An Act to authorize Working Arrangements between the *Ambergate, Nottingham, and Boston, and Eastern Junction* Railway Company and the *Great Northern* Railway Company, or Lease or Sale to the last-named Company. 3605

ccxv. An Act for making a Railway from the *London and South-western* Railway at *Salisbury* to *Yeovil*, and to form a Junction with the Rail-

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ccxx. An Act for authorizing and confirming Arrangements and Agreements between the *Eastern Counties* Railway Company and all or any of the *Norfolk*, the *Eastern Union*, the *East Anglian*, and the *Newmarket* Railway Companies, and for other Purposes; and of which the Short Title is "The *Eastern Counties*, and the *Norfolk*, the *Eastern Union*, the *East Anglian*, and the *Newmarket* Railways Act, 1854." 3745

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PRIVATE ACTS.

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize Sir *William Milborne Milborne Swinnerton* Baronet, and his Issue, to resume and bear the Surname of *Pilkington* jointly with the Surnames of *Milborne* and *Swinnerton*, and to be called by the Surnames of *Milborne Swinnerton Pilkington*, and for such Purposes to repeal in part an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth. 3

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41. An Act to dissolve the Marriage of *Henry Stocker* Schoolmaster with *Sarah Stocker* his now Wife, and to enable him to marry again; and for other Purposes.

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Merchant Shipping Act.

ARRANGEMENT OF CLAUSES.

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I. - - - - Ireland.
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TOWNS IMPROVEMENT; to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns - - - -	103.	I.
TRADES; for granting to Her Majesty additional Duties on Profits arising from - - - - -	10.	G.B.&I.
——— for granting to Her Majesty an increased Rate of Duty on Profits arising from - - - -	24.	G.B & I.
TRAFFIC on Railways and Canals, for the better Regulation of	31.	G.B.& I.
TREASON. *See* HIGH TREASON.		
TREATING at Elections of Members of Parliament, to consolidate and amend the Laws relating to - - - -	102.	U.K.
TRIALS BY JURY, to allow Verdicts on, in Civil Causes, to be returned, although the Jury may not be unanimous -	59.	S.
TURNPIKE ROADS; to continue certain Acts for regulating -	42.	I.
——— to continue 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to - - -	52.	E.
——— to continue certain Turnpike Acts in Great Britain, and to make further Provisions concerning Turnpike Roads in England - - - -	58.	G.B.
TURNPIKE TRUSTS ARRANGEMENTS; to confirm certain Provisional Orders made under 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of, and to make certain Provisions respecting Exemptions from Tolls - - -	51.	E.

U.

UNIONS *See* POOR.		
USURY; to repeal the Laws relating to - - -	90.	U.K.

V.

VAGRANT CHILDREN; to render Reformatory and Industrial Schools more available for - - - -	74.	S.
VALUATION (IRELAND) ACT AMENDMENT; further to amend 15 & 16 Vict. c. 63. relating to the Valuation of rateable Property -	8.	I.
VALUATION OF LANDS AND HERITAGES - -	91.	S.
VERDICTS on Trials by Jury in Civil Causes allowed to be returned although the Jury may not be unanimous -	59.	S.
VICE-ADMIRALTY COURT (MAURITIUS); for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in Mauritius - - - -	37.	U.K.

W.

	Cap.	Relating to
WALES (SOUTH); for extending the Time limited for putting into execution 14 & 15 Vict. c. 16. for the better Management and Control of Highways in - - -	7.	W.
WARWICK ASSIZES; to repeal certain Provisions of 5 & 6 Vict. c. 110. concerning the holding of Assizes for the County of Warwick	35.	E.
WELBECK CHAPEL in the Parish of Saint Marylebone, to enable the Trustees of, to augment the Salary of the Minister of the said Chapel - - - - - - -	70.	E.
WEST INDIES, to facilitate the Sale and Transfer of Incumbered Estates in - - - - - -	117.	U.K.
WESTMINSTER, for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at - - -	125.	E.
WILLENHALL (*Stafford*), to confirm a Provisional Order of the General Board of Health for the District of - - -	53.	E.
WINCHESTER; to make further Provision for the good Government of the College of Saint Mary, Winchester - -	81.	E.
WITNESSES, to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of, out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom - -	34.	U.K.

Y.

YOUTHFUL OFFENDERS, for the better Care and Reformation of -	86.	G.B.

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Printers to the Queen's most Excellent Majesty. 1854.

ANNO REGNI

VICTORIÆ,

Britanniarum Reginæ,

DECIMO SEPTIMO.

At the Parliament begun and holden at *Westminster*, the Fourth Day of *November*, *Anno Domini* 1852, in the Sixteenth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith:

And from thence continued, by several Prorogations, to the Thirty-first Day of *January* 1854; being the SECOND SESSION of the SIXTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

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Printed by George Edward Eyre and William Spottiswoode.
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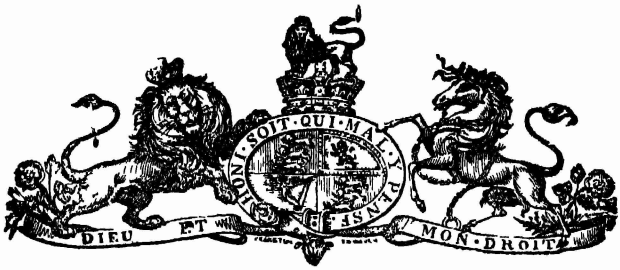
1854.



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

***

Exemption No. 2. in the said Act to extend only to the Duties contained in Schedule (E.) in certain Cases.

II. The Exemption No. 2., under the Head or Title of "Exemptions from the Duties contained in Schedules (E.) and (F.)," in the said Act, shall be deemed and construed and is hereby declared to extend only to exempt any Person from the Duties contained in Schedule (E.) of the said Act for One such Horse as in the said Exemption No. 2. is described, used for riding on the Occasions and in manner therein mentioned; and nothing in the said Exemption shall be deemed or construed to extend to exempt any Person from the Duties contained in Schedule (F.) of the said Act, for any such Horse as aforesaid, except where the same shall be kept for the Purpose of Husbandry, and used only for such Purpose, and for riding on the Occasions and in manner in the said Exemption No. 2. mentioned.

Horses used by Common Carriers occasionally conveying Passengers to be charged only under Schedule (F.)

III. For any Horse used by any Common Carrier in drawing any Carriage used by him principally and *bonâ fide* for and in the carrying of Goods, and occasionally only in conveying Passengers for Hire, in the Manner mentioned with respect to such Carriage in Schedule (D.) of the said Act, there shall not by reason of such using be charged any other or higher Duty than the Duty contained in the said Schedule (F.)

Time for giving Notice to determine Compositions extended.

IV. The Time limited by Section Six of the said Act for the giving of Notice to determine any Contract of Composition for the Duties of Assessed Taxes shall be and is hereby extended to the Fifth Day of *April* One thousand eight hundred and fifty-four; and any such Notice as in the said Section Six is mentioned, given on or before the said last-mentioned Day, shall have the same Force and Effect as it would have had if it had been given within the Time limited by the said Section.

Justices of the Peace in Ireland may administer Oaths required by the Acts relating to the Income Tax.

V. And whereas by the several Acts in force relating to the Duties granted by an Act passed in the last Session of Parliament, Chapter Thirty-four, on Profits arising from Property, Professions, Trades, and Offices, divers Oaths are required to be taken by Persons appointed Assessors and Collectors of the said Duties, and by Persons claiming Exemption from or a Return or Repayment of the said Duties under the several Provisions of the said Acts, and by other Persons in relation to the Execution of the said Acts, which said Oaths the Commissioners for Special Purposes and other Commissioners in the said Acts mentioned are respectively authorized to administer; and it is expedient to authorize Her Majesty's Justices of the Peace in *Ireland*, as well as the said Commissioners, to administer the same: Be it enacted, That it shall be lawful for Her Majesty's Justices of the Peace in *Ireland* respectively within their respective Jurisdictions, and any One of them is hereby authorized and empowered, to administer to any such Assessor or Collector or to any other Person any Oath required or authorized by the said several Acts or any of them to be taken in any Matter relating to the Execution of the said Acts.

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ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. II.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-four.

[23d *March* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-four, the Sum of Eight Millions out of the Consolidated Fund of the United Kingdom of

There shall be applied, for the Service of the Year 1854, the Sum of

8,000,000*l.* out of the Consolidated Fund.

of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3 c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses &c in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom

Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the

the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. III.

An Act for raising the Sum of One million seven hundred and fifty thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.

[23d *March* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-four, it

Treasury may raise 1,750,000*l.*

by Exchequer Bills, in like Manner as is prescribed by

it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times, and they are hereby authorized, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of One million seven hundred and fifty thousand Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c in recited Acts extended to this Act.

II. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to issue and apply the Money raised.

III. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. The Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Exchequer Bills (£1,750,000).

VI. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Bills charged on Supplies to be current in Payment of Public Revenue after Twelve Calendar Months from their Dates.

VII. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of One million seven hundred and fifty thousand Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 1,750,000*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

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ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Articles of War made by Her Majesty to be judicially taken notice of.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary-at-War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth,

Mutiny.

Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Act to extend to Jersey, Guernsey, &c.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey* *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Foreign Troops in this Country.

IV. All Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions

Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Militia and Yeomanry.

V. Nothing in this Act contained shall in anywise be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Power to constitute Courts-martial.

VI. For the Purpose of bringing Offenders against this Act and the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being, however, below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or elsewhere where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

General Courts-martial.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, and the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*, shall consist of not less than Five Commissioned Officers; if

if convened in *Jamaica*, the *Windward* and *Leeward Islands*, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands* or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward Islands*, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation. **District or Garrison Courts-martial.**

IX. A Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act. **Regimental and Detachment Courts-martial.**

X. In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award. **Courts-martial on Line of March or in Troop Ships.**

XI. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Troops which may at any Time **Courts-martial in special Cases out of**

the Queen's Dominions.

be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Mixed Courts-martial in case of Marines and East India Company.

XII. Where necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of an Act passed in the Twelfth and Thirteenth Years of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

President of Court-martial.

XIII. The President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the confirming Officer or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless

unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, the Officer convening such Court may be the President thereof.

Proceedings at Trial.

XIV. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so as aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers, composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate General or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example; and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XV. All General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in

in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewards Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions, in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions to be put in Evidence.

XVI. After a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions

victions by Courts-martial, duly confirmed, the Court-martial Book or the Regimental or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in such Books or any of them, and which shall be signed by the Adjutant, or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-after provided to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. Every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and

any

any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial, but Revision allowed.

XVIII. No Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his Superior Military Officer, being

in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier enlisted or in pay in any Regiment, Troop, or Company, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment, Troop, or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XX. No Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation of Death for Transportation.

XXI. Whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to Penal Servitude, or to be transported as a Felon for Life, or for a certain Term of Years, not less than Fourteen, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be kept to Penal Servitude or to be transported as a Felon, either for Life or for a certain Term of Years not less than Fourteen, or to Penal Servitude, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

Embezzlement punishable by Transportation.

XXII. Every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any

any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to Penal Servitude or to be transported as a Felon for Life or for any certain Term of Years not less than Fourteen, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Commissioned Officer sentenced to Penal Servitude or to be transported as a Felon, when such Sentence shall be confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Execution of Sentences of Transportation in the United Kingdom.

XXIII. Whenever Her Majesty shall intend that any Sentence of Penal Servitude or of Transportation heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude or to Transportation, any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Penal Servitude or Transportation of such Offender in conformity with such Notification,

Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Penal Servitude or Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of such Order, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to Penal Servitude or to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Penal Servitude or of Transportation; and from the Time when such Order of Penal Servitude or of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning, or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape, or returning without Leave, of any such Offender; and the Judge who shall make any Order of Penal Servitude or of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Penal Servitude or of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude or Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XXIV. Whenever any Sentence of Penal Servitude or of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Penal Servitude or to Transportation, the same shall be notified by the Officer commanding Her Majesty's **In the Colonies.**

Mutiny.

Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or Transportation or intermediate Custody of such Offender, in like Manner as for the Penal Servitude or Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Penal Servitude or of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Penal Servitude or of his Transportation, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Penal Servitude or of Transportation shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour, and Solitary Confinement not exceeding the Period herein-after prescribed.

Power to inflict Corporal Punishment.

XXV. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for disgraceful Conduct, as herein-after mentioned, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement.

XXVII. In

XXVII. In all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to Solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Power to commute Corporal Punishment.

XXVIII. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,—

Forfeiture of Pay and Pension by Sentence of Court-martial.

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXIX. Every Soldier who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence;

or during Absence on Commitment under a Charge, or in Arrest for Debt;

or when Prisoner of War;

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Arrest for Debt; and when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved

proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Soldier shall be entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to Trial, and until such Decision had been pronounced: Provided also, that it shall be lawful for Her Majesty's Secretary-at-War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

or when convicted of Desertion, or of Absence without Leave;

or when absent without Leave, not exceeding Five Days.

Forfeiture of Pay for Drunkenness on Duty.

XXXI. A General, District, or Garrison Court-martial may sentence any Soldier for being drunk on Duty, and any Court-martial may sentence any Soldier for being drunk when for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. Any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and every Regimental or Detachment Court-martial shall deprive a Soldier, convicted of a Charge of habitual Drunkenness, of such Portion of his additional or regular Pay for, such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay, the Court may, if it shall think fit, sentence such Offender to any other Punishment which the Court may be competent to award: Provided always, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal for Service in the Field or for general good Conduct which may have been granted him by Order of Her Majesty, or by Order of the *East India* Company, or any Loss or Destruction of,

of, or Damage, or Injury to the Arms, Horse, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any Officer or Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharged with Ignominy.

XXXIV. Whenever any Soldier shall have been convicted of any such disgraceful Conduct herein-before described, or of Desertion, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXV. On the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Regimental

Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental or Detachment, shall direct that the Imprisonment shall be solitary only, the Periods shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XXXVII. Whenever Sentence shall be passed by a Court-martial on an Offender already imprisoned under Sentence of a Court-martial for any Offence of which he has been before convicted, it shall be lawful for the Court to award Imprisonment for the Offence for which he is under Trial, upon Conviction thereof, to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced; and where such Offender shall be already under Sentence, either of Imprisonment, of Penal Servitude, or of Transportation, the Court, if empowered to pass Sentence of Penal Servitude or of Transportation, may award such Sentence for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment, Penal Servitude, or Transportation to which such Offender shall have been previously sentenced, although the Aggregate of the Terms of Imprisonment, Penal Servitude, or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XXXVIII. Save as herein-before specially provided, every Term of Penal Servitude, Transportation, or of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Military Prisons.

XXXIX. It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be erected, or

or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be, or which, under the Provisions of any former Act of Parliament, have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary-at-War; and it shall be lawful for the Secretary-at-War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and it shall be lawful for the Secretary-at-War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer, or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary-at-War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

Custody of Prisoners under Military Sentence in Common Gaols.

XL. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Proviso for Removal of Prisoners.

XLI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

XLII. The

XLII. The Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Their Subsistence in Common Gaols.

XLIII. Every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Expiration of Imprisonment in Common Gaols.

XLIV. Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service.

Musters and Punishment for false Musters.

XLV. Every

Trials for Desertion after subsequent Re-enlistment.

XLV. Every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps and be a Deserter therefrom, and whether such Soldier shall be tried for Desertion from the Corps to which he may of right belong, or whether such Soldier shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters in the United Kingdom.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regi-

ment

ment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of the same; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

XLVII. Every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary-at-War, which

Temporary Custody of Deserters in Gaols.

which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits.

XLVIII. Any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Fraudulent Confession of Desertion.

XLIX. Any Soldier who, while serving in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter, shall be liable to be tried by Court-martial, and any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and on Proof that any such Confession as aforesaid was false shall by them be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh

and

and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland* of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England*, as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

L. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer

Extension of Furlough in case of Sickness.

Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by Court-martial for the same Offence.

LI. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or punished for the same, otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

LII. Any Person enlisted into Her Majesty's Service as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the Disembodied Militia, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without

Payment

Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable to be summoned before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service, by any Capias, Writ, Summons, Order, Judgment, Process, or Execution issued by or by the Authority of any Court or Inferior Court for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for deserting or having deserted, or for leaving or having left chargeable to any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or other Relation, which such Soldier or Person would, if not in Her Majesty's Service, be liable by Law to support or maintain, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contraryto the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body; provided also, that nothing herein contained, relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bona fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

Mutiny.

Officers not liable to take Parish Apprentices.

LIII. No Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LIV. No Person who shall be commissioned and in Full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LV. Every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty four-Hours (any intervening *Sunday* not included) after his having received the Enlisting Money Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Ninety-six Hours (any intervening *Sunday* not included), but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required, forthwith

with to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LVI. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings as Smart Money, together with the full Amount of any Pay which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted, as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary-at-War, shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; and no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate

Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, or in the Service of the *East India* Company, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary-at-War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall have enlisted into and been attested for Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man

shall

shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary nothwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them upon being attested to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity, or to have designedly made any false Representation, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed, taken by the Recruit on his Attestation, and the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army, Ordnance, or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall, upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army, Ordnance, or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice in the United Kingdom, or before a Regimental or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Regular Forces, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary-at-War shall direct; or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprise for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and such Person, whether he shall have been enrolled

enrolled as a Volunteer or as a balloted Man or Substitute, shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces into which he shall have so enlisted: Provided always, that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Punishment of Officers offending against Laws regarding Enlistment.

LVIII. Every Military Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

LIX. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting and others desirous of enlisting abroad: Be it therefore enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary-at-War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist or attest, or for any Justice of the Peace or Magistrate acting for the Place of such Re-enlistment or Enlistment, and not being a General Officer, nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer

Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of Negroes.

LX. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving be deemed to be Soldiers legally enlisted into Her Majesty's Service, and entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LXI. Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

LXII. No

Mutiny.

LXII. No Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Claims of Masters to Apprentices.

LXIII. No Apprentice or indentured Labourer as aforesaid claimed by his Master shall be taken from any Corps or Re-

Punishment of Apprentices enlisting.

 cruiting

cruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

Wages of Servants enlisting.

LXIV. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Soldiers.

LXV. And whereas certain Soldiers who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Soldiers have been so sworn and attested were duly qualified to administer to such Soldiers the Oaths prescribed by the several Acts passed for the punishing Mutiny and Desertion, and for

for the better Payment of the Army and their Quarters: In every Case where any such Soldier, having been duly enlisted, shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

Authorized Deductions only to be made from the Pay of the Army.

LXVI. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and fifty-four other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided, as aforesaid, that it shall be lawful for Her Majesty's Secretary-at-War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at-War.

Suspending Operation of recited Acts.

LXVII. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of

of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard or Battle-axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have received or be allowed any Quarters in any Part of *Ireland*, save only during such Time or Times as he or they should be on their March as in the same Act is before mentioned, or during such Time as he or they should be and remain in some Seaport Town or other Place in the Neighbourhood of a Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army, or any considerable Part thereof, should be commanded to march from One Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act: And whereas by the Eleventh Section of the said Act of the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil Magistrate or Constable, should be obliged to find Quarters for or give Billets to more or other Soldiers than those only whose true Christian and Surnames should be delivered to him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the Time such Quarters or Billets should be desired, and that all such Names should be written together and delivered in One Piece of Paper, signed as aforesaid, and that the Christian and Surnames of every Soldier to be quartered or billeted, together with the Name of the Person on whom he or they should be billeted or quartered, should be given in Writing by the Constable or Civil

6 Anne, c. 14. s. 8. (I.)

Certain Requirements of 6 Anne, c. 14. (I.) as to Billeting in Ireland not now necessary.

Civil Officer billeting or quartering such Soldier, and be contained in the Billet given by such Civil Officer: And whereas it has been found inconvenient and difficult to comply with all the Requirements of the said Enactment: It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and that it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only to the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

How and where Troops may be billeted.

LXVIII. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers' Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer; and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in One and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and

in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place, with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any

any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with England; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Exemptions from Billets.

LXIX. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together

Billeting the Guards in and near Westminster.

together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXX. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Inn-keepers

LXXI. The Innholder or other Person on whom any Soldier is billeted in *England*, shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Ninepence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of

of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of Terms.

LXXII. All the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets Parishes, and Places in *England* and *Ireland*, and to all

Powers and Regulations as to Billets.

Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary.

Supply of Carriages.

LXXIII. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order, or a Copy thereof certified by the Commanding Officer, to such Justices, by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open

open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXIV. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England* pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners

Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin* at least Twenty-four Hours Notice of such March, and in Case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LXXV. It shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland* by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland* by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand

Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages, kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them

LXXVI. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Routes in Ireland.

LXXVII. It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXXVIII. All Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage going thereto or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXXIX. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXX. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide

decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXXI. The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary-at-War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with. Punishment of Officers obstructing Civil Justice.

LXXXII. Nothing in this Act shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony or of Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate thereof containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

LXXXIII. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary-at-War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such

Orders

Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commis-

LXXXIV. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive, for any Purpose whatsoever, any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

LXXXV. Every Person, not having any Military Commission who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

LXXXVI. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such

such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

LXXXVII. Any Person who shall in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in Pursuit of Deserters.

LXXXVIII. Any Officer or Soldier who shall forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

LXXXIX. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be transported beyond the Seas for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to Imprisonment, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner,

 without

without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable to be sentenced for every such Offence to be imprisoned, either with or without Hard Labour, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentences; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend, or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Gaol Acts to apply to Military Prisons.

Penalty on Keepers of Prisons for

XC. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place

Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

refusing to confine, &c. Military Offenders.

XCI. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the

Penalty on purchasing Soldiers Necessaries, Stores, &c.

the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

XCII. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any

Officer

Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Twelve Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any Enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon the Military so offending.

XCIII. If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary-at-War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as afore-

 said;

said; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-Martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game.

XCIV. For the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon the Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

XCV. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for anything to be done in pursuance

pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

XCVI. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders;* provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

XCVII. One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or

sue

sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary-at-War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary-at-War.

5 & 6 W. 4. c. 76.

Mode of recording a Soldier's Settlement.

XCVIII. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England* and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Licences of Canteens.

XCIX. When any Person shall hold any Canteen under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Mutiny.

C. All Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk. Attestation of Accounts.

CI. All Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same. Commissaries to attest their Accounts.

CII. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to. Administration of Oaths. Perjury.

CIII. All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased. Offences against former Mutiny Acts and Articles of War.

Duration of this Act.

CIV. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-four inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-five; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-four inclusive until the First Day of *May* One thousand eight hundred and fifty-five; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and fifty-four inclusive until the First Day of *August* One thousand eight hundred and fifty-five; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and fifty-four inclusive to the First Day of *September* One thousand eight hundred and fifty-five; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-five inclusive until the First Day of *January* One thousand eight hundred and fifty-six; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-six inclusive until the First Day of *February* One thousand eight hundred and fifty-seven: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

SCHE-

SCHEDULES referred to by the foregoing Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

Notice to be given to a Recruit, or left at his Place of Abode or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but not sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday not being counted.

Date _____ 185 .

you enlisted with

at o'Clock* on the Day of

for the Regiment and if you do not come

forward on or before o'Clock* on the

*A.M. or P.M., as the Case may be.

for

for the Purpose of being taken before a Magistrate either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party. } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be put separately by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?

14. Have

14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?

15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Months if attested, and to Fourteen Days Imprisonment if he is not attested, and if he belong to the Naval Coast Volunteers he is liable under the Act 16 and 17 Victoria c. 73. to Imprisonment for Six Months, and his Enlistment will be null and void.

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for the East India Company's Service.

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the East India Company* for the Term of [*this Blank to be filled up*

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of Recruit.*

_____ *Witness present.*

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

Signature of Justice _____

If enlisting for either Her Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath:

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the East India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India Company's Service, the following is to be added to the Oath:

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE

CERTIFICATE to be given by the JUSTICE.

to wit. } I One of Her Majesty's Justices of the Peace of do hereby certify, That in my Presence all the foregoing Questions were put to ; that the Answers written opposite to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army, and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of Justice.*

DECLARATION to be made by a SOLDIER renewing his Service.

I Number do declare, That I am at present (*or* was, *as the Case may be*) in Captain Company in the Regiment; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be*,] for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me_____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of

of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and }

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer by Indenture dated the Day of for the Term of Years, and that the said did on or about the Day of abscond and quit my Service without my Consent.

Witness, *&c.* [*as for Apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

FORM

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named
this Day of

Justice of the Peace of

or, *Commander in Chief, or Second in Command, et cætera, the Army serving in et cætera [as the Case may be].*

Mutiny.

No. .

DESCRIPTION RETURN of committed to Confinement at on the Day of as a Deserter from the Regiment of .

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————*Signature and Address of Magistrate.*

——————*Signature of Prisoner.*

——————*Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————*Signature of Military Medical Officer, or of* ‖ *Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

***

Powers as in 16 & 17 Vict. c. 107. ss. 324, 325, & 326.

employed in the Coasting Trade as aforesaid, and of Goods carried Coastwise in such Ships, such or the like Powers as are conferred on Her Majesty by the Three hundred and twenty-fourth, Three hundred and twenty-fifth, and Three hundred and twenty-sixth Sections of the said Customs Consolidation Act, 1853, in respect of Foreign Ships employed in the Oversea Trade, and of Goods exported or imported in such Ships.

Foreign Ships in the Coasting Trade to be subject to the same Rules as British Ships.

II. Every Foreign Ship which after the passing of this Act is employed in carrying Goods or Passengers Coastwise from one Part of the United Kingdom to another, or from the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to the United Kingdom, or from the United Kingdom to any of the said Islands, or from any of the said Islands to any other of them, or from any Part of any one of the said Islands to any other Part of the same, shall be subject, as to Stores for the Use of the Crew, and in all other respects, to the same Laws, Rules, and Regulations to which *British* Ships when so employed are now subject.

Foreign Ships employed in the Coasting Trade not to be subject to higher Rates than British Ships.

III. No Foreign Ship which after the passing of this Act is employed in the Coasting Trade as aforesaid, nor any Goods carried in any such Ship, shall, during the Time such Ship is so employed, be subject to any higher or other Rate of Dock, Pier, Harbour, Light, Pilotage, Tonnage, or other Dues, Duties, Tolls, Rates, or other Charges whatsoever, or to any other Rules as to the Employment of Pilots, or any other Rules or Restrictions whatsoever, than *British* Ships employed in like Manner, or Goods carried in such Ships, any Law, Charter, special Privilege, or Grant to the contrary notwithstanding; nor shall any Body Corporate or Person having or claiming any Right or Title to any such higher or other Rates, Dues, Duties, Tolls, or other Charges as aforesaid be entitled to any Compensation in respect thereof under any Law or Statute relating thereto, or otherwise howsoever.

Foreign Steam Vessels carrying Passengers Coastwise to be subject to Provisions of 14 & 15 Vict. c. 79.

IV. And whereas it is expedient to provide for the Safety of Passenger Steamers: Be it enacted, That every Foreign Steam Vessel carrying Passengers from one Place to another on the Coasts of the United Kingdom of *Great Britain* and *Ireland* and the *Channel Islands* shall be subject to the Provisions of the Steam Navigation Act, 1851.

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VICTORIÆ REGINÆ.

***

of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

I. That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British Isles* shall by such Articles be subject to be transported as a Felon or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Offences against former Mutiny Acts and Articles of War.

II. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings

ings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Act to extend to Jersey, &c.

IV. Nothing in this Act shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony, or when accused of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who

The ordinary Course of Law not to be interfered with.

who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering.

V. No Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Marines

may

may be tried and punished for the like Offences under the Authority of this Act.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VIII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward* and *Leeward Islands*, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other

General Courts-martial.

Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Court-martial.

IX. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward Islands*, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Divisional and Detachment Courts-martial.

X. A Divisional or Detachment Court-martial shall consist of not less than Five Officers, unless it be found to be impracticable to assemble that Number, when Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment, or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

XI. In Cases of Mutiny and gross Insubordination or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Courts-martial in Special Cases out of the Queen's Dominions.

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of

of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIII. When necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act passed in the present Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XIV. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the

the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

XV. The President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions the Officer convening such Court may be the President thereof.

Proceedings at Trial.

XVI. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members,

Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XVII. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewarts Depute or their respective Substitutes within their several Shires and Stewartries, in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an

Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions to be put in Evidence.

XVIII. After a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in

in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

XIX. Every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Report of Proceedings of Courts-martial.

XX. No Officer or Soldier being acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

No Second Trial, but Revision allowed.

XXI. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subject to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof

Crimes punishable with Death.

to

to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine enlisted or in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XXII. No Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present, being Members of the Court, shall concur therein.

Commutation of Death for Transportation

XXIII. Whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to Penal Servitude or to be transported as a Felon for Life or for a certain Term of Years not less than Fourteen Years, or may sentence him to general Service as a Marine or as a Soldier in any Corps and in any Country or Place

Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial or by a Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be kept to Penal Servitude or to be transported as a Felon either for Life or for a certain Term of Years not less than Fourteen, or to Penal Servitude or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

Embezzlement punishable by Transportation.

XXIV. Every Officer and other Person employed in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, may be tried for the same by a General Court-martial, which may adjudge any such Offender to Penal Servitude or to be transported as a Felon for Life, or for any certain Term of Years not less than Fourteen, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and

 every

every Commissioned Officer sentenced to Penal Servitude or to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Transportation of Offenders.

XXV. Whenever Her Majesty shall intend that any Sentence of Penal Servitude or of Transportation heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute, as herein provided, any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude or Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Penal Servitude or Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to Penal Servitude or to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to Penal Servitude or to be transported, or receiving Her Majesty's Pardon on Condition of Penal Servitude or Transportation; and from the Time when such Order of Penal Servitude or Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and

and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave, of any such Offender; and the Judge who shall make any Order of Penal Servitude or Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude or Transportation was given; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude or Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies.

XXVI. Whenever any Sentence of Penal Servitude or Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Penal Servitude or Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or Transportation or intermediate Custody of such Offender in like Manner as for the Penal Servitude or Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Penal Servitude or Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and

whilst

whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude or Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Penal Servitude or Transportation shall have been awarded by a General Court-martial or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour and Solitary Confinement not exceeding the Period herein-after prescribed.

Convict after Sentence of Transportation.

XXVII. When any Sentence of Death shall be commuted for Penal Servitude or Transportation, or when any Marine shall by Court-martial be adjudged to Penal Servitude or to be transported as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude or Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

XXVIII. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

XXIX. It

XXIX. It shall be lawful for any General, District, or Garrison Court-martial to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement; and in case of a Marine in addition to Corporal Punishment.

Power to inflict Corporal Punishment and Imprisonment.

XXX. In all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to Solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Power to commute Corporal Punishment.

XXXI. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

Forfeiture of Pay and Pension by Sentence of Court-martial.

In wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Marine unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in

 receiving

receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement;

XXXIII. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of

or during Absence on Commitment

of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself; and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Marine shall be entitled

under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave not exceeding Five Days.

entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to his Trial, and until such Decision has been pronounced: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIV. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment which the Court may be competent to award: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of Pay for Drunkenness on Duty.

XXXV. A General, District, or Garrison Court-martial may sentence any Marine for being drunk on Duty, and any Court-martial may sentence any Marine for being drunk when on or for Duty or on Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Stoppages.

XXXVI. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal for Service or for general good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXVII. Whenever any Marine shall have been convicted of any such disgraceful Conduct herein-before described, or of Desertion, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXVIII. On the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXIX. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not

 exceeding

exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XL. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence of a Court-martial for any Offence of which he has been before convicted, it shall be lawful for the Court to award Imprisonment for the Offence for which he is under Trial, upon Conviction thereof, to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced; and where such Offender shall be already under Sentence, either of Imprisonment, of Penal Servitude, or Transportation, the Court, if empowered to pass Sentence of Penal Servitude or of Transportation, may award such Sentence for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude or Transportation to which such Offender shall have been previously sentenced, although the aggregate of the Terms of Imprisonment, Penal Servitude, or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XLI. Save as herein specially provided, every Term of Penal Servitude, Transportation, or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs

or

or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLII. In the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Custody of Prisoners under Military Sentence in Common Gaols.

XLIII. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Division or Detachment to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor,

Provost

Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Subsistence in Common Gaols.

XLIV. The Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLV. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody upon any Charge or for any Offence, Civil, Criminal, or Military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, if he be confined under Sentence of Imprisonment, previous to the Expiration of the Period of the Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds.

Military Prisons established under Act for punishing

XLVI. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed

deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Mutiny and Desertion in Army to be deemed public Prisons.

XLVII. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Musters, and Penalty on false Musters.

XLVIII. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Verifying of Muster Rolls.

XLIX. Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted,

Trials for Desertion after subse-

quent Re-enlistment.

enlisted, although he may of right belong to another Corps, and be a Deserter therefrom; and whether such Marine shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

L. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons

Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a Descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LI. For and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LII. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Marine conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such

such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion

LIII. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall, to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such

7 & 8 G. 4. c. 29.

9 G 4. c. 55.

such Person shall have been previously convicted of the like Offence or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

LIV. Any Person who shall, in any Part of Her Majesty's Dominions, by Word, or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Extension of Furlough in case of Sickness.

LV. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary

of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards;

LVI. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable to be summoned before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Capias, Writ, Summons, Order Judgment, Process, or Execution issued by or by the Authority of any Court or Inferior Court for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for deserting or having deserted, or for leaving or having left chargeable to any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or other Relation which such Marine would, if not in Her Majesty's Service, be liable by Law to support or maintain, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, as herein prescribed.

Officers not liable to take Parish Apprentices.

LVII. No Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LVIII. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit Juror or upon an Inquest shall be null and void; and every such Person is herchy exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Enlisting and swearing of Recruits.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode

Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight Hours, but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any intervening *Sunday* not included,) but not sooner than Twenty-four Hours after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there in the Presence of the said Recruit record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LX. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and repaying the Enlisting Money, and the full Amount of any Pay he may have received as a Recruit, and also paying the Sum of Twenty Shillings as Smart Money, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay all such Money and Pay as aforesaid, he shall be deemed and taken to be enlisted as if he had given his

his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought

regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished, or prosecuted, tried, and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted;

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

tuted; and the Production of the Oath in the Schedule to this Act annexed taken by the Recruit on his Attestation, and the Certificate signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or to the Forces of the *East India* Company, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army, Ordnance, or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army, Ordnance, or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice of the United Kingdom, or before a Divisional or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Forces, Army, Ordnance, or Marines, or to the Forces of the *East India* Company, or

or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary of the Admiralty shall direct or if enrolled in the Militia as a balloted Man or a Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprise for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man, or Substitute, shall from the Day on which his Engagement to serve in the Militia shall end be and serve as a Marine of the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Penalty on Officers offending as to Enlistment

LXII. Every Marine Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIII. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

LXIV. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the

Oath

Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master shall be taken away without a Warrant.

LXV. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if

 required

Punishment of Apprentices enlisting.

required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in Scotland may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in Scotland for any Offence not inferring a Capital Punishment; Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Servants enlisting to be entitled to a Portion of their Wages.

LXVI. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and if the same be not paid within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Marines.

LXVII. And whereas certain Marines who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Marines have been so sworn and attested were the proper Justices to administer to such Marines the Oaths prescribed by the several Acts passed for the Regulation of Her Majesty's Royal Marine Forces while on shore: Be it enacted, That in every Case where any such Marine having been duly enlisted shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the last Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested and sworn.

Admiralty may order

LXVIII. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High

High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case. Pay to be withheld.

LXIX. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in One and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the Billeting of Marines.

the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* as regards billeting Officers and Soldiers in the Royal Army at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of

of *Edinburgh:* Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to Innkeepers.

LXX. The Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Marines may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Ninepence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Persons for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before

 whom

whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer, and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

Supply of Carriages.

LXXI. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables

Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LXXII. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded,

loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England:* Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid,

aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXIV. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Lord Lieutenant of Ireland may

LXXV. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute,

depute Persons to sign Routes.

by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

LXXVI. All Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying Persons or Baggage going thereto or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXVII. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at

at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

LXXVIII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXXIX. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with

with good and sufficient Hay and Straw for each Horse at the Rate, established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal, any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

LXXX. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every

Offence

Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXXXI. Every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds. Penalty for forcible Entry.

LXXXII. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles, which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence Penalty for purchasing Clothes, &c. from any Marine.

to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Penalty on unlawful recruiting.

LXXXIII. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Officers killing Game.

LXXXIV. For the better Preservation of the Game and Fish in or near such Place where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Limitation of Actions.

LXXXV. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced

menced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXXXVI. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

at

at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXXXVII. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4 c. 76.

Licences of Canteens.

LXXXVIII. It shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such Exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

LXXXIX. Any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England*; and such Justice shall give an attested Copy of such Examination to the

the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required.

XC. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to. Administration of Oaths. Perjury.

XCI. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers and Inspectors or other Officers of Police, and High Constables, and other chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Definition of Terms.

Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner, as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

Duration of Act.

XCII. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-four until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-five inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-four until the First Day of *May* One thousand eight hundred and fifty-five inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty-four until the Twenty-fifth Day of *July* One thousand eight hundred and fifty-five inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty-four until the Twenty-fifth Day of *September* One thousand eight hundred and fifty-five inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and fifty-four until the Twenty-fifth Day of *November* One thousand eight hundred and fifty-five inclusive.

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I . do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law

So help me GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

Marine Mutiny.

NOTICE to be given to a Recruit, or left at his Place of Abode, or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Marine Mutiny Act, within Forty-eight but not sooner than Twenty-four Hours after his Enlistment, the Hours of Sunday not being counted.

[*Date*] 185 .

you enlisted with

at o'Clock* on the Day of 185 , for the Royal Marines, and if you do not come forward on or before o'Clock* on the for the Purpose of being taken before a Magistrate, either to be attested, or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Marine without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party. } ———

Name of the Recruit ———

Residing at ———

*A.M. or P.M as the Case may be.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [*this Blank to be filled up by the Justice with* "Twelve Years," *if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

9. At what Place, on what Day, at what Hour of the Day, and by whom, were you enlisted?
10. For what Bounty [illegible] you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers?
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

* The Justice is directed, in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Calendar Months, and to Fourteen Days Imprisonment if he is not attested; and if he belongs to the Naval Coast Volunteers he is liable, under the Act Sixteenth and Seventeenth Victoria, Chapter Seventy-three, to Imprisonment for Six Months, and his Enlistment will be null and void.

OATH to be taken by a RECRUIT on Attestation.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of the Recruit.*

_____ *Witness present.*

Sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ *Signature of the Justice.*

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,
Any Distinctive Mark.

to wit. } I at One of Her Majesty's Justices of the Peace do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty four Hours had elapsed after he received Enlisting Money; that [*this Blank is to be supplied by the Words* "the Place where he swears that he enlisted is in the Vicinity of my Residence," *or by the Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," *or by the Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," *as the Case may be*]; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of the Justice.*

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with Twelve Years, and in the Case of a Marine about to embark for Foreign Service with such Number of Years as shall be required to complete a total Service of Twenty-*

Twenty-four Years], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me, _____

_____ *Signature of Marine.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

Marine Mutiny.

DESCRIPTION RETURN of committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age	
Height	Feet Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars of the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service and for the Interest of the Deserter that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or under his Direction by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate*

——— *Signature of Prisoner*

——— *Signature of Informant*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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into execution as to some of the said Counties: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the County Roads Board of each County in *South Wales* in which the said recited Act has not already been put in execution shall at their First General Annual Meeting after the passing of this Act, or at some Adjournment thereof, proceed in manner in the said recited Act provided to divide the County into so many Districts for the separate Management of the several Highways therein respectively as shall in their Judgment be most convenient; and that the said Board shall make an Order for the Formation of such Districts, and shall cause such Order, together with a Description or Statement of the Boundaries of such Districts, or of the Parishes comprised therein respectively, to be published by Advertisement in One or more of the Newspapers circulating in their County One Month at least before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-five; and thereupon all such Proceedings as were required or authorized by the said recited Act after the Publication of such Notice as is therein required shall be had and take place as if the Time hereby authorized for the making of the said Order and the Publication thereof, with such Description or Statement of the Boundaries as aforesaid, had been inserted in the said recited Act; and that all the Powers and Provisions, Matters and Things, contained in the said recited Act, shall, so far as the same are not varied by this Act, extend to this Act as fully and effectually as if the same had been expressly repeated and re-enacted in and by this Act.

County Roads Boards shall, at first Meeting after passing of this Act, proceed to put recited Act into execution.

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Townland the net annual Value of which House as therein stated shall not exceed Five Pounds, and shall deduct the Sum of such Valuations of Houses valued under Five Pounds and so struck out from the total Amount of the Valuation of such respective Tenement and Townland, and that the Valuation of each Tenement and Townland after such Deduction shall be deemed to be the Value thereof for the Purposes of County Assessments, shall be repealed.

Commissioner of Valuation shall distinguish all Houses of a public Nature or used for charitable Purposes which shall be exempted from Assessment.

Half of the Rent derived by Owner, &c. to be entered in Valuation Lists.

II. In making out the Lists or Tables of Valuation mentioned in the said firstly herein-before mentioned Act, the Commissioner of Valuation shall distinguish all Hereditaments and Tenements, or Portions of the same, of a public Nature, or used for charitable Purposes, or for the Purposes of Science, Literature, and the Fine Arts, as specified in an Act of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-six; and all such Hereditaments or Tenements, or Portions of the same, so distinguished, shall, so long as they shall continue to be of a public Nature, and occupied for the public Service, or used for the Purposes aforesaid, be deemed exempt from all Assessment for the Relief of the destitute Poor in *Ireland* and for Grand Jury and County Rates: Provided always, that Half the annual Rent derived by the Owner or other Person interested in any Tenements or Hereditaments so distinguished shall be included in such List or Tables, so far as the same can or may be ascertained by the said Commissioner of Valuation.

Grand Jury may direct Lists to be acted upon at the First Assizes after their Receipt, although the Spring Assizes.

III. Where the Assizes for any County next ensuing the Day on which any final Lists of Valuation mentioned in Section Twenty-six of the firstly herein-before mentioned Act shall be received by the Treasurer of such County happen to be the Spring Assizes, it shall be lawful for the Grand Jury of such County at such Assizes, if they so think fit, to direct that the Valuations contained in such final Lists shall, from and after the Commencement of such Assizes, be in force and be acted upon for the Purposes mentioned in the said Section as if such Assizes were the Summer Assizes next ensuing the Day of such Receipt of such final Lists respectively, and such Lists shall be so acted upon accordingly.

Revision of the Valuation of Tenements liable to frequent Alteration.

IV. And for the Purpose of providing for the necessary Revision of the Valuation of the rateable Tenements and Hereditaments the Limits whereof shall become altered, and also of rateable Tenements or Hereditaments the annual Value of which is liable to frequent Alteration, such as Fisheries, Railways, Canals, Tolls of Roads, Bridges, Mines, Gas and Water Works, and Buildings, be it enacted, That on the Fifteenth Day of *November* in each Year every Collector of Poor Rates within each Poor Law Union within which

which the Valuation of the rateable Hereditaments and Tenements has been or shall have been completed and shall be in operation shall make out and deliver to the Clerk of such Union, to be by him laid before the Board of Guardians of such Union, a List of all the Tenements or Hereditaments situate within every Townland in the said Union, and within his District the Valuation of which Tenements shall require Revision for any of the Reasons aforesaid, or in respect of any Property the annual Value of which is liable to frequent Alteration as aforesaid; and if any such Collector shall fail or neglect to make out such List according to the best of his Ability, and deliver the same to the Clerk of the Union as aforesaid, within the Period aforesaid, he shall for every such Neglect or Default be liable to a Penalty not exceeding Five Pounds; and any Ratepayer within any Poor Law Union may within the same Period make out and deliver to the Clerk of the Union, to be by him laid before the Board of Guardians thereof, a List of any Tenements the Valuation of which shall in his Opinion require Revision; and the Clerk of each Poor Law Union shall for Ten Days after receiving any such List leave the same open for public Inspection at the Workhouse of such Union, and permit Extracts to be made therefrom, and shall on or before the Twenty-seventh Day of *November* in each Year make out a full and complete List of all Tenements and Property mentioned in such Lists delivered to him as aforesaid on or before the Fifteenth Day of the same Month, and transmit the List so made out by him to the Commissioner of Valuation, with the Opinion of the said Board of Guardians whether such Revision is necessary on account of such Changes or Alterations.

Penalty on Collector for not returning List for Revision.

V. On or before the First Day of Summer Assizes to be held for any County next after the Receipt of such Lists for the several Poor Law Unions in such County, the Commissioner of Valuation shall cause a Revision to be made of the Valuation of the Tenements in the several Townlands and Parishes within such County, or any Barony or Poor Law Union therein, and appoint fit and proper Persons to revise the Valuation of the Tenements so requiring Revision, and the Person making such Revision shall have regard to the total Valuation of the Lands, independently of Buildings, within each respective Townland or other Denomination, as finally decided on by the Commissioner of Valuation, or by the Court at any General or Quarter Sessions of the Peace, under the Provisions of the firstly herein-before mentioned Act, and shall not increase or lessen such total Valuation, except in Cases in which a clerical Error shall have been discovered, when the same may be rectified; and as soon as the said Revision shall have been completed the Commissioner of Valuation shall make out and prepare a revised List or Lists of the Valuation of the rateable Hereditaments

Commissioner of Valuation shall cause a Revision to be made of such Tenements, and transmit a List to the Guardians of the Union and to the Treasurer of the County, &c.

Hereditaments and Tenements within such County or any Barony thereof, or within such Poor Law Union, or a List of the Tenements, so revised as aforesaid, and shall sign the same, and transmit printed or written Copies of such List or Lists, so signed by him, in the Form set forth in the Schedule to the firstly herein-before mentioned Act annexed, to the Guardians of each Union, and to the Town Council of any Borough within which any Tenements contained in any such List are situate, and likewise to the Treasurer of the County; and the Clerk of such Union shall forthwith make every such List public by all and every the same Ways and Means as are directed by Section Twenty-eight of such Act concerning the Lists in such Section mentioned.

15 & 16 Vict. c. 63. and this Act to be as One Act.

VI. The firstly herein-before mentioned Act and this Act shall be construed together as One Act.

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CAP. IX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

[12th *May* 1854.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Ninth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures mentioned in Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title

II. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use either the Expression "The "Annual Inclosure Act, 1854," or "The Acts for the Inclosure, "Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Heavers Wood Common -	Surrey - - -	3d March 1853.
Lampeter-pont-Stephen -	Cardigan - - -	10th June 1853.
Iping - - -	Sussex - - -	2d June 1853.
Cardigan - - -	Cardigan - -	2d December 1853.
Barlby - - -	York - - -	31st December 1853.
Church Brough Intake -	Westmorland - -	2d December 1853.
Curdridge - -	Southampton - -	12th January 1854.
Porlock - -	Somerset - - -	25th January 1854.
Bursledon - - -	Southampton - -	12th January 1854.
The Oakcutts Woods -	Southampton - -	23d January 1854.
Wootton Courtney -	Somerset - - -	26th January 1854.
Hawkridge - -	Somerset - - -	26th January 1854.
Tinhead - - -	Wilts - - -	28th January 1854.

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Thirty-four, additional Rates and Duties amounting to One Moiety of the whole of the Duties which by virtue of the said Act shall be charged and assessed or shall become payable, under any Contract of Composition or otherwise, in respect of such Property, Profits, and Gains respectively for the said Year; and the whole Amount of the said additional Duties shall be collected and paid with and over and above the First Moiety of the Duties assessed or charged by virtue of the said Act for the Year aforesaid.

Duties to be assessed and raised under the Provisions of recited Acts.

II. The said Duties hereby granted shall be charged, raised, levied, and collected under the Regulations and Provisions of the said Act passed in the last Session of Parliament, and of the several Acts therein mentioned or referred to; and all Powers, Authorities, Rules, Regulations, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution for charging, raising, levying, collecting, receiving, accounting for, and securing the said Duties hereby granted, and otherwise relating thereto.

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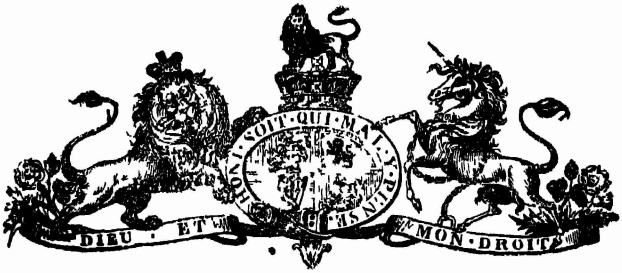

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VICTORIÆ REGINÆ.

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CAP. XI.

An Act to amend the Laws relating to Ministers Money, and the Church Temporalities (*Ireland*) Act. [12th *May* 1854.]

WHEREAS by an Act of the Session of the Parliament of *Ireland* holden in the Seventeenth and Eighteenth Years of King *Charles* the Second, Chapter Seven, Provision was made for charging Sums of Money to be paid in every Year to the several Incumbents having Cure of Souls in the several Parishes within the City and Suburbs of *Dublin* and Liberties thereunto adjoining, and other Cities and Towns Corporate in *Ireland*, out of the Houses belonging to the several Parishes, according to the annual Value of such Houses, to be previously ascertained by Commissioners as therein mentioned, and the Sums so allotted and charged were to be received by the Churchwardens, and by them paid to the Incumbents, and Power was thereby given to the Churchwardens, on the Refusal or Delay of Payment by the Inhabitants, to recover such Sums by Distress: And whereas by an Act passed in the Seventh and Eighth Years of King *George* the Fourth, Chapter Thirty-four, the Incumbents within the City and Suburbs of *Dublin* and Liberties thereunto adjoining, and within other Cities and Towns Corporate in *Ireland*, were authorized to appoint Collectors of all Sums allotted or

17 & 18 Car. 2. c. 7. (I.)

7 & 8 G. 4. c. 34.

 charged

charged according to the said Act of the Seventeenth and Eighteenth Years of King *Charles* the Second, with such Powers as by the last-mentioned Act were given to the Churchwardens: And whereas, from the diminished Value of Houses in certain Parts of the said City and Suburbs of *Dublin* and the Liberties thereunto adjoining, and of the several other Cities and Towns Corporate in *Ireland*, namely, the Cities and Boroughs of *Cork*, *Limerick*, *Waterford*, *Drogheda*, *Kilkenny*, *Clonmel*, and *Kinsale*, the Burden of the Sums charged under the said Act of King *Charles* the Second, commonly called and herein-after referred to as Ministers Money, has become unequal, and from that Cause and from other Causes the Collection of the said Ministers Money has been found difficult, and in many Cases oppressive, to the poor Inhabitants of the Houses charged therewith, and it is expedient to amend the Law in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Existing Charges of Ministers Money to cease.

I. From and after the First Day of *October* One thousand eight hundred and fifty-four the said Act of King *Charles* the Second shall be and is hereby repealed, and no Allotment or Charge of Sums shall thereafter be made under the Provisions thereof: Provided always, that all Arrears of such Ministers Money then due and payable shall and may be paid and recovered as if this Act had not been passed.

The Charge of Ministers Money for the Year ending 31st Dec. 1853 to be ascertained, all Houses rated to the Poor at or under 10*l.* being deducted, and Amounts to be certified to Collector General of Rates, Town Clerks, and Clerks to Boards of Guardians.

II. The Lord Lieutenant of *Ireland* shall cause to be ascertained, in a Return to be made by Persons to be by him for that Purpose appointed by Commission under the Great Seal of *Ireland*, the Amount payable during the Year ended the Thirty-first Day of *December* One thousand eight hundred and fifty-three for Ministers Money out of each House in each Parish within the said City and Suburbs of *Dublin* and the Liberties thereunto adjoining, and in the said other Cities and Boroughs liable to the Payment of Ministers Money, and in such Portions of Parishes liable to the Payment of Ministers Money as lie outside the Boundaries of the said Cities and Boroughs, distinguishing therein all Sums payable in respect of Houses of and under the annual Value of Ten Pounds (such Value to be estimated in the same Manner in which the same may be or should be estimated for the Purposes of a Rate for the Relief of the Poor), which said Commission shall be returned, under the Hands and Seals of the Commissioners or any Two of them, to the Clerk of the Council of *Ireland* for the Time being; and after the Amount ascertained thereby with respect to each such Parish shall have been approved by

by the Lord Lieutenant and Privy Council of *Ireland*, the Clerk of the Council shall certify under his Hand to the Collector General of Rates in the City of *Dublin*, and to the respective Clerks to the several and respective Boards of Guardians in whose Unions such Parts of the Suburbs of the City of *Dublin* or of the Liberties thereunto formerly adjoining as are not within the Limits of the Municipal District of *Dublin* are comprised, and to the Town Clerk of each of the Cities or Boroughs herein-after mentioned, (that is to say,) *Cork*, *Limerick*, *Waterford*, *Drogheda*, *Kilkenny*, and *Clonmel*, and to the Clerk to the Town Commissioners of *Kinsale*, and to the respective Clerks to the several and respective Boards of Guardians in whose Unions any Portions of such Parishes liable to the Payment of Ministers Money may be comprised, the Amount ascertained and approved with respect to all Houses in each Parish therein respectively of more than the Value of Ten Pounds.

The Sums so certified to be raised in each Parish by means of a Rate upon all Houses now chargeable except those rated at or under 10*l.*

III. The said Collector General of Rates within the said Municipal District of *Dublin*, and the said Boards of Guardians, and the Council of each of the said Cities or Boroughs of *Cork*, *Limerick*, *Waterford*, *Drogheda*, *Kilkenny*, and *Clonmel*, and the said Town Commissioners of *Kinsale* in their respective Districts, shall cause to be raised in each Parish now liable to the Payment of Ministers Money, in every Year, in Two equal Sums, the Amount so ascertained, approved, and certified with respect to such Parish, by means of a Rate to be assessed and levied on all Houses, save as hereafter mentioned, situate in each such Parish respectively now liable to the Payment of Ministers Money, and of the rated Value of more than Ten Pounds, provided that no House shall be liable to a greater annual Payment for such Rate than it is now liable to pay for Ministers Money, and that no uninhabited House shall be liable to be rated for the Period during which it shall be uninhabited, nor shall any Rate be payable in respect of such House during such Period; and, subject as aforesaid, the Rates to be so assessed shall, by the said Collector General, be assessed, levied, and collected in the same Manner and under and subject to the same Provisions as the Rates now assessed, levied, and collected by him, and shall, by the respective Councils of the said Cities and Boroughs, be assessed, levied, and collected in the same Manner and under and subject to the same Provisions as the Borough Rate, and shall in the Town or Borough of *Kinsale* be assessed, levied, and collected in the same Manner and under and subject to the Provisions concerning the Rates authorized to be raised and levied under the Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, or any Act amending the same; and the Rates to be assessed under this Act by Boards of Guardians shall be assessed, levied, and collected in the same Manner and under and subject to the same Provisions as the Rates for the Relief of the Poor, such Sums to be so raised at such

such Times as will secure the Payment of the Sums required to be raised in each Half Year to the Paymaster of Civil Services under the Provision herein-after contained before the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, and the First of such half-yearly Sums to be raised and paid over as aforesaid before the Twenty-ninth Day of *September* One thousand eight hundred and fifty-five: Provided always, that no Assessment under this Act shall be made upon the Occupier or Owner of any House rated to the Relief of the Poor upon an annual Value of Ten Pounds or less than Ten Pounds; provided also, that it shall be lawful for the Lord Lieutenant of *Ireland* to order and direct that for the Collection of the Rates to be made under this Act, and any Expenses attending the same, such Per-centage shall be allowed upon the Sums actually collected as such Lord Lieutenant may think fit.

Sums raised to be paid over to the Paymaster of Civil Services, and be by him transferred to the Ecclesiastical Commis-

IV. The Monies levied under this Act by and under the Authority of the said Councils and Town Commissioners shall be paid to the respective Treasurers of the Cities and Towns in which the same are levied, and the Monies levied under this Act by and under the Authority of the said Boards of Guardians shall be paid to the Treasurers of their respective Unions to a separate Account; and all Monies levied under this Act by such Collector General of Rates, and the Monies to be paid under this Act to the said Treasurers, shall be carried to separate Accounts, and, after deducting such Sums as may be allowed as Per-centage and Expenses as aforesaid, shall be paid by them respectively into the Bank of *Ireland*, to be there placed to a separate Account in the Name of the Paymaster of Civil Services in *Ireland*, to be entitled "Account of Ministers Money," and all Sums to be paid to such Paymaster shall be paid by him to the "Ecclesiastical Commissioners for *Ireland*," and such Commissioners shall keep a separate Account of the Monies so paid to them as aforesaid.

How Monies are to be recovered in case of Default to raise the same by Rates under this Act.

V. In case in any Half Year the Sums due on the Houses liable as aforesaid be not raised and paid over to the Paymaster of Civil Services as aforesaid, the same, or so much thereof as shall not be paid, or shall not arise out of Houses exempt as herein-before provided by reason of being uninhabited, shall, in case of such Default with respect to any Parish in the Municipal District of *Dublin*, or in any of the said other Cities or Boroughs herein mentioned, become and be a Debt due to the Crown, and recoverable as such from the said City of *Dublin*, or of such other City or Borough in which the Default may happen; and in the Case of such Default with respect to any Parish in which Rates are to be raised under this Act by Boards of Guardians, the said Sum, or so much thereof as aforesaid, shall become and be a Debt due to the Crown,

Crown, and recoverable as such from such Board of Guardians; and the Lord Lieutenant of *Ireland* shall order all Sums which shall become due to the Crown as aforesaid to be recovered and paid to the Ecclesiastical Commissioners for *Ireland;* and it shall be lawful for the said Councils, Town Commissioners, and Boards of Guardians to recover the Sums so recovered from them as aforesaid from the defaulting Occupiers or Owners of the Houses in respect of which such Default has accrued, according to the respective separate Liability of such Occupiers or Owners.

Owners or Occupiers may redeem Rates.

VI. It shall be lawful for the Owner or Occupier of any House liable to be rated under this Act to redeem the Rates to which such House may so be liable, on Payment to the said Paymaster of Civil Services of all Arrears (if any) of such Rates, and of such Sum, not exceeding Fourteen Times the annual Amount at which such House may be liable to be rated under this Act, as may be fixed and settled by the Ecclesiastical Commissioners with the Assent of the Lord Lieutenant in Council; and from and after such Redemption such House shall cease to be rated under this Act; and in case the said Rate be purchased and redeemed by the Owner he may add the Amount thereof to the Rent of the House, and shall be entitled to recover the same in the same Manner and with the like Powers as the Rent is recoverable.

Redemption Monies to be paid to Ecclesiastical Commissioners.

VII. All Redemption Monies which shall be so paid to the said Paymaster of Civil Services shall be paid by him to the said Ecclesiastical Commissioners for *Ireland* in like Manner as herein provided with respect to Monies arising from Rates under this Act.

Ecclesiastical Commissioners to pay to Incumbents 75*l.* per Cent. on the Sum payable for Ministers Money during the Year 1853.

VIII. The Ecclesiastical Commissioners for *Ireland* shall pay to the several Incumbents for the Time being of the Parishes now liable to the Payments of Ministers Money under the said Act of the Seventeenth and Eighteenth Years of King *Charles* the Second, by quarterly Payments on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October* in every Year, a yearly Sum, to be computed after the Rate of Seventy-five Pounds for every One hundred Pounds of the Sum payable in such Parishes respectively for Ministers Money during the Year One thousand eight hundred and fifty-three, the first of such Payments to be made on the First Day of *January* One thousand eight hundred and fifty-five anything in an Act passed in the Session of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Thirty-seven, or any Act amending the same, to the contrary notwithstanding: Provided always, that, in every Case where the Revenues of any such Benefice may be charged with the Payment of Curates and such other

Charges as are allowed to be deducted in fixing the net Income of Benefices taxable to the Ecclesiastical Commissioners, the Portion of the gross Revenue employed in defraying such Charges shall not be reduced to the aforesaid Seventy-five *per Cent.*, but shall be paid in full, *Cent. per Cent.*, (that is to say,) that the said Ecclesiastical Commissioners shall pay to the Incumbents of such Benefices respectively, in addition to the aforesaid Seventy-five *per Cent.*, and in like quarterly Proportions, but exempt from Taxation, a further Sum after the Rate of Twenty-five Pounds for every One hundred Pounds actually expended by such Incumbents in defraying such Charges.

Ecclesiastical Commissioners to invest Monies in Government Securities, &c.

IX. The said Ecclesiastical Commissioners shall from Time to Time, at their Discretion, invest all or any Part of such Monies as shall at any Time by or under the Provisions of this Act be paid to them as aforesaid in the Purchase of Government or Parliamentary Funds, Stocks, or Securities, and no other, either in *England* or *Ireland*, and from Time to Time change, transfer, or sell out such Stocks, Funds, or Securities, or any Part thereof, and reinvest the Produce thereof, as they may find necessary or convenient.

Funds in Hands of Ecclesiastical Commissioners may be applied to the Augmentation of Benefices or increasing the Number of Clergymen in the said Cities and Towns.

X. It shall and may be lawful for the said Ecclesiastical Commissioners, when and as in their Judgment it may be proper, but with the previous Approval of the Lord Lieutenant of *Ireland* in Council, to apply any Monies which may be in their Hands or at their Disposal (after answering and providing for the Payments to be made by them under this Act to the Incumbents for the Time being of the Parishes now liable to the Payment of Ministers Money) for the Augmentation of the Incomes of Incumbents having Cure of Souls, or for increasing the Number of Officiating Clergymen of the Established Church within the said City and Suburbs of *Dublin* and Liberties thereunto adjoining, and the said other Cities and Boroughs now liable to the Payment of Ministers Money.

Nonpayment of Rate not to prevent Persons being admitted Burgesses, &c.

XI. The said Rate shall not be deemed to be a Cess Rate or Tax the Payment of which is necessary to enable any Occupier or other Person to be admitted or enrolled as a Burgess of any City or Corporate Town in *Ireland*, or to vote at any Election of Municipal Commissioners in any Town in *Ireland*.

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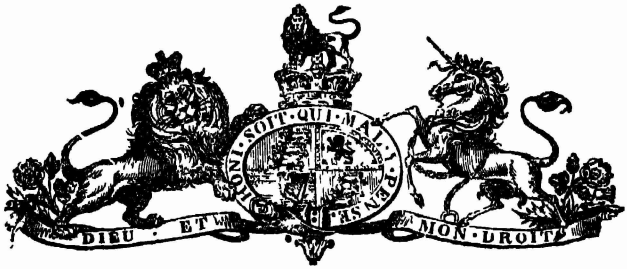

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. XII.

An Act for raising the Sum of Sixteen millions twenty-four thousand one hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.

[12th *May* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at

Treasury may raise 16,024,100*l.*

by Exchequer Bills, in like Manner as is prescribed by

at any Time or Times, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Sixteen millions twenty-four thousand one hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c in recited Acts extended to this Act.

II. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to issue and apply the Money raised.

III. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. The Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue

VI. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the

the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

after Twelve Calendar Months from their Dates.

VII. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Sixteen millions twenty-four thousand one hundred Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the sum of One million five hundred thousand Pounds toward carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 16,024,100*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

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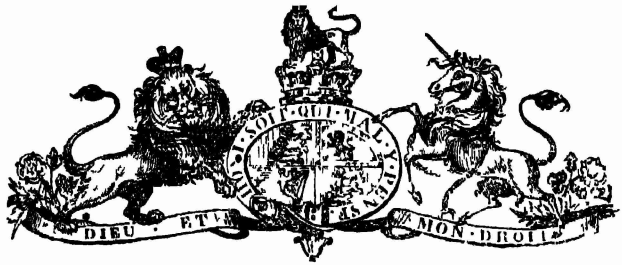

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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such respective Militias when so embodied, shall be applicable for and in the Case of the drawing out and embodying of such respective Militias under the Authority of this Act, and to such respective Militias when so embodied.

The Time of Training may be extended after a Corps of Militia is called out.

II. It shall be lawful for Her Majesty, when any Regiment, Battalion, or Corps of the Militia in *England* is actually assembled for Training and Exercise for a less Period than Fifty-six Days, or at any Time after the Notices to the Men of such Regiment, Battalion, or Corps to attend Training and Exercise for any such less Period have been given by Order signified under the Hand of One of the Principal Secretaries of State to the Lieutenant of the County, Riding, or Place for which such Regiment, Battalion, or Corps is enrolled, or in his Absence to Three or more Deputy Lieutenants of such County, Riding, or Place, to extend the Period of such Training and Exercise for such Period as to Her Majesty may seem fit, not exceeding with the Time for which such Regiment, Battalion, or Corps may have been called out for such Training and Exercise the Period of Fifty-six Days, and it shall not be necessary in any such Case as aforesaid to give fresh Notices to attend Training and Exercise; and all Provisions applicable to such Militia during the Time of Training and Exercise shall be applicable to such Regiment, Battalion, or Corps during such extended Period as if the Notices for calling out such Regiment, Battalion, or Corps for such Training and Exercise had been given for such extended Period, and the same had been authorized by Law.

Time of Drill not to be reckoned.

III. In case any of the Commissioned Officers or Privates of such Regiment, Battalion, or Corps shall, previously to the assembling of the same for Training and Exercise, have been sent to their Head Quarters or attached to any Corps of Her Majesty's Regular Forces for Purposes of Instruction, the Time during which they shall have remained at their own Head Quarters, or with the said Corps, for Instruction as aforesaid, shall not be reckoned as any Part of the Period of Fifty-six Days during which such then Commissioned Officers and Privates may be kept assembled for Training and Exercise as hereinbefore provided.

Notice of the Time and Place of Meeting to be sent by the Commanding Officer by Post to the Residences of the

IV. Provided, That in the Case of drawing out and embodying the Militia in *England*, or any Part thereof, under the Authority of this Act, the Notices to the Militia Men to attend at the Time and Place mentioned in the Order of Her Majesty for drawing out and embodying the Regiment, Battalion, or Corps to which they shall belong shall be sent by the Colonel or Commanding Officer of such Regiment, Battalion, or Corps, by the Post, to the Residences of the several

several Men as stated on their Attestations, or as subsequently certified by them, and such Notices shall be sufficient in all respects; and any Militia Man not appearing at the Time and Place appointed in such Notice shall be deemed to have disobeyed Her Majesty's Order for drawing out and embodying the Regiment, Battalion, or Corps to which he belongs, and shall be liable to be punished and dealt with accordingly; and the Provisions of the One hundred and sixteenth Section of the Act of the Forty-second Year of King *George* the Third, Chapter Ninety, shall be applicable to such Militia Man, and to any Person knowingly harbouring and concealing him.

Men as stated in their Attestations, and to be deemed sufficient.

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7 & 8 Vict. c. 56.
8 & 9 Vict. c. 70.
9 & 10 Vict. c. 88.
9 & 10 Vict. c. 68.
11 & 12 Vict. c. 37.
11 & 12 Vict. c. 71.
14 & 15 Vict. c. 97.

Years of Her Majesty, Chapter Sixty; an Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Fifty-six; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Seventy; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Eighty-eight; an Act of the same Session, Chapter Sixty-eight; an Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Thirty-seven; an Act of the same Session of Parliament, Chapter Seventy-one; and an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-seven: And whereas by the said Act of the Fifty-eighth Year of King *George* the Third it was enacted, that it should be lawful for His Majesty by Letters Patent to appoint such Persons as His Majesty should deem fit to be His Commissioners for carrying into execution the Purposes of the said Act, and that the said Commission should continue in force for the Term of Ten Years from the Date thereof, unless His Majesty should think fit sooner to alter or revoke the same: And whereas by the said Act of the Seventh and Eighth Years of King *George* the Fourth the said Commission was continued in force for the Term of Ten Years from the Twentieth Day of *July* One thousand eight hundred and twenty-eight, unless His Majesty, His Heirs or Successors, should think fit sooner to revoke the said Commission: And whereas by the said Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty it was enacted, that the Persons then appointed to be His Majesty's Commissioners for building new Churches, or thereafter to be appointed to be Her Majesty's Commissioners for building new Churches, should continue to be such Commissioners, and that the Name and Style of the said Commissioners should be "Her Majesty's Commissioners for building New Churches," and that the said Commission should continue in force for the Term of Ten Years from the Twentieth Day of *July* One thousand eight hundred and thirty-eight, and thence unto the End of the next Session of Parliament, unless Her Majesty should think fit sooner to revoke the said Commission: And whereas by the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-one, the said Commission was continued in force until the Twentieth Day of *July* One thousand eight hundred and fifty-three, and thence to the End of the then next Session of Parliament, unless Her Majesty should think fit sooner to revoke the said Commission: And whereas it is expedient that the said Commission should be further continued as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Persons now or hereafter to be appointed to be Her Majesty's Commissioners for building new Churches shall

Commissioners for building new

continue

continue to be such Commissioners, and the said Commission shall continue in force until the Twentieth Day of *July* One thousand eight hundred and fifty-six, unless Her Majesty shall think fit sooner to revoke the said Commission. Churches continued

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Second Part of the First Schedule to this Act, whether such Lands may or may not be required for the said Tunnel; and as such Objects cannot be effected without the Aid and Authority of Parliament, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. c. 18. incorporated with this Act.

I. The several Provisions of "The Lands Clauses Consolidation Act, 1845," shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes aforesaid.

Interpretation of Terms.

II. For the Purposes of this Act the Word "Lands," where used in the "Lands Clauses Consolidation Act, 1845," and in this Act, or either of them, shall extend to Messuages, Lands, Tenements, and Hereditaments of every Tenure, and to the Right and Privilege of making and acquiring the said Communication, with Shafts and Entrances thereto, and the Space or Portion of Ground required, and which may be purchased or acquired for the same, and to all such Portions as aforesaid of Her Majesty's Dockyard at *Devonport*, and the free Use in perpetuity of the Roadways, Ways, and Passages held therewith, and all other Lands, Rights, and Property, Estates and Interests, which the said Commissioners are hereby empowered to purchase or acquire; and the Words "Commissioners of the Admiralty," where used in this Act, shall mean any Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being; and the Word "Tunnel," where used in this Act, shall mean any Communication between Her Majesty's Dockyard at *Devonport* and Her Majesty's Steam Factory Yard at *Keyham* in the County of *Devon*, whether the same be made solely by a Tunnel or solely by open Cutting, or partly by a Tunnel and partly by open Cutting; and the Commissioners of the Admiralty shall be and be deemed to be the Promoters of the Undertaking.

Powers for constructing the Tunnel.

III. Subject to the Provisions of this Act, it shall be lawful for the Commissioners of the Admiralty and they are hereby authorized and empowered, if they think fit, to make and construct a Tunnel for the exclusive Use of Her Majesty's Service between Her Majesty's Dockyard at *Devonport* and Her Majesty's Steam Factory Yard at *Keyham* aforesaid, according to the Plans and Sections thereof deposited with the Clerk of the Peace for the County of *Devon*, with Shafts, Entrances, and other necessary Works thereto, or any Portion of such Tunnel and Works, and to lay down and work

a Rail-

a Railway or Railways in the said Tunnel or otherwise use the same Tunnel, and for that Purpose to purchase or otherwise acquire the Right and Privilege of constructing such Tunnel and Works under, in, or through all or any of the several Lands delineated on the said Plans and mentioned or referred to in the Book of Reference deposited with the said Clerk of the Peace, and also the Space or Portion of Ground required for the same, and if necessary to purchase or acquire the Entirety of all or any of such Lands absolutely, and all Estates and Interests therein which are not now vested in the said Commissioners; and for the Purpose of constructing the said Tunnel and Works the said Commissioners are hereby authorized and empowered, subject to the Provisions of this Act, to dig, bore, and excavate in, under, or through all or any Houses, Lands, Buildings, Streets, Roads, Highways, Railways, Tramways, Rivers, Brooks, Streams, Canals, Wells, Springs, Sewers, Drains, Waters, Watercourses, Mains, Pipes, Gas Pipes, Water Pipes, Aqueducts, Ways, Paths, and Passages under, in, or through which the said Tunnel, Shafts, Entrances, and other Works may be constructed, and also permanently or temporarily to stop or take up, divert, raise, and in any Manner alter all or any of such Streets, Roads, Highways, Railways, Tramways, Rivers, Brooks, Streams, Canals, Wells, Springs, Sewers, Drains, Waters, Watercourses, Mains, Pipes, Gas Pipes, Water Pipes, Aqueducts, Ways, Paths, and Passages which may interfere with the said Tunnel or the Construction thereof, the said Commissioners re-opening, reinstating, or restoring as far and as soon as practicable, consistent with the Purposes of this Act, the said Streets, Roads, Highways, Railways, Tramways, Rivers, Brooks, Streams, Canals, Wells, Springs, Sewers, Drains, Waters, Watercourses, Mains, Pipes, Gas Pipes, Water Pipes, Aqueducts, Ways, Paths, and Passages which may be only temporarily diverted, taken, or stopped up, raised, or in any Manner altered under the Provisions of this Act, and, if necessary, constructing, making, and laying down other Streets, Roads, Highways, Railways, Tramways, Canals, Wells, Springs, Sewers, Drains, Watercourses, Mains, Pipes, Gas Pipes, Water Pipes, Aqueducts, Ways, Paths, and Passages for and in lieu of those which may be permanently stopped or taken up or permanently diverted: Provided always, that nothing in this Act contained shall enable the Commissioners of the Admiralty to sink any Shaft in or through the Surface of any public Street, Lane, or Passage across, through, or under which the said Tunnel shall pass; and wherever the present Levels of any Sewers shall be prejudicially altered by the Commissioners of the Admiralty, such Commissioners shall continue the new Levels to the present Outlets, or make new Outlets for such Sewers, so that such Sewers may not be obstructed or impeded in their Course to the Sea, by means of any Alteration therein

therein which may be made by the said Commissioners; and to effect any such Objects the Commissioners of the Admiralty are hereby authorized and empowered to enter upon any Lands whatsoever for the Purpose of altering such Sewers, and to alter and construct Sewers and Outlets accordingly, making full Compensation to the Owners of such Lands for any Damage or Loss thereby sustained, the Amount of such Compensation to be settled and paid as Compensation for Lands required for the other Purposes of this Act; or the Commissioners of *Devonport* shall, on the Requirement of the Commissioners of the Admiralty, at any Time or Times, at the Cost of Her Majesty, Her Heirs and Successors, alter and construct such Sewers and Outlets as aforesaid, and during the Progress of the Works in, under, or across *Moon Street* hereby authorized the present Footways therein shall be retained as at present, or the Commissioners of the Admiralty shall construct, and during the Execution of such Works in such Street maintain, on either Side of the said Street, a good and efficient Footway through such Street for its Inhabitants and other Passengers.

As to Deviation of Tunnel.

IV. If the Commissioners of the Admiralty shall deem it expedient to make any Deviation from the Line or Level of the said Tunnel as delineated and shown on the said Plans and Sections, it shall be lawful for the said Commissioners and they are hereby empowered to make such Deviation, provided the same shall not extend beyond the Limits of Deviation defined upon the said Plans; but, with the previous Consent of the Owners of the Lands thereby affected or interfered with, it shall be lawful for the said Commissioners to make any Deviation which they may deem expedient.

As to Compensation for Tunnel.

V. Before the Commissioners of the Admiralty, or any Person or Persons employed by them or acting under their Authority, shall, for the Purpose of forming or excavating the said Tunnel, Shafts, Entrances, and other Works, bore or dig in, under, or through any Lands, Dwelling Houses, or Buildings not now vested in them, the said Commissioners shall, if required by the Owners or Lessees thereof respectively, purchase, by Agreement or by Arbitration, or by the Assessment of a Jury, as directed by the "Lands Clauses Consolidation Act, 1845," the Estates and Interests of the Parties making any such Requisition in the Dwelling Houses so to be bored or dug in or under, or, at the Option of such Owners or Lessees, make Compensations for the Space or Portion of Ground thereunder required for the said Tunnel, and for the Damage done or to be done to such Dwelling Houses or to their Interests or Estates therein; and in the Case of any other Buildings not being Dwelling Houses, and of Lands not having any Building thereon, so to be bored or dug in or under, the said Commissioners shall, if required by the Owners or Lessees thereof,

thereof, make Compensation (to be ascertained by the Ways and Means aforesaid or one of them) for the Space or Portion of Ground required for the said Tunnel, and for the Damage which may be done to such Buildings and Lands; but in the Case of public Streets, Roads, Ways, Paths, Courts, or Passages no Compensation shall be made for the same, nor shall any Compensation be made for boring or digging under or over any Sewers, Drains, Mains, Pipes, Gas Pipes, Water Pipes, or Aqueduct, or for diverting or altering the same for the Purposes of the said Tunnel, or for constructing the same.

Commissioners to keep Tunnel and Roads in repair.

VI. The Commissioners of the Admiralty shall and they are hereby required from Time to Time and at all Times to keep or cause to be kept the said Tunnel and the Walls thereof in good and substantial Repair, and shall, from and after the Use of the Roadways referred to in the First Part of the First Schedule to this Act shall have been purchased by them, repair, amend, and keep up, at the Charge of Her Majesty, Her Heirs and Successors, the same Roads and Ways, and where needful fence in that Road or Way which in the said Schedule is designated by No. 2

Power for Commissioners to purchase Lands in First Schedule to Act.

VII. It shall also be lawful for the Commissioners of the Admiralty and they are hereby authorized and empowered, if they think fit, subject to the Provisions herein and in the "Lands Clauses Consolidation Act, 1845," contained, to purchase all or any of the Lands mentioned or referred to in the First Schedule to this Act, and all Estates and Interests therein which are not vested in the said Commissioners at the Time of the passing of this Act.

After Purchase of Devonport Yard, the same to be used as One of Her Majesty's Dockyards.

VIII. That all such Parts of Her Majesty's Dockyard at *Devonport* the Fee Simple of which may be purchased under or by virtue of the Provisions of this Act shall, from and after the Completion of any such Purchase or Purchases, be always thereafter used for One or for Part of One of Her Majesty's Dockyards, and for Buildings, Erections, and other Works necessary for the same, and for no other Purpose whatsoever.

A certain Piece of Ground to be always used as a Footway.

IX. That the Piece or Parcel of Land or Ground described in the Second Schedule to this Act shall for ever hereafter be and be used as a public Highway or Footway or Part of a public Highway or Footway, and for no other Purpose, and no Building or Erection whatsoever shall ever be constructed or commenced thereon or on any Part thereof.

Errors and Omissions in Book of Reference and Schedules may be corrected by Two Justices, who shall certify the same.

X. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands referred to in the said Book of Reference or mentioned in the Schedules to this Act annexed or either of them, the Commissioners of the Admiralty, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate shall be deposited with the said Clerk of the Peace, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Book of Reference, Schedules or Schedule, shall be deemed to be corrected according to such Certificate, and the said Commissioners may take any Lands in accordance with such Certificate as if such Omission, Mis-statement, or wrong Description had not been made.

Certificate to be deposited.

Powers for compulsory Purchase of Lands limited.

XI. The Powers of the Commissioners of the Admiralty for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers given to Commissioners to apply to Purchases made as well as those to be made.

XII. The Powers and Authorities by this Act given to the Commissioners of the Admiralty relative to the Lands mentioned and comprised in the said Book of Reference and in the Schedules to this Act annexed or either of them, shall, so far as the Commissioners of the Admiralty may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the Provisions of this Act.

All Lands purchased or taken by Commissioners to vest in them in trust.

XIII. Subject to the Provisions of this Act, the Lands which shall be purchased, taken, or acquired by the Commissioners of the Admiralty for the Purposes of this Act or under the Provisions of this Act, or which may have been purchased or been agreed to be purchased as aforesaid, shall be vested in the said Commissioners, their Successors in Office and Assigns, in trust for Her Majesty, Her Heirs and Successors, for the Public Service, and no other Commissioners nor any Trustees nor other Persons shall after such Purchase, taking, or acquiring as aforesaid lay down or construct any Road or Way, or any Pipe for Gas, Water, or otherwise, or any Drain, Sewer, or Watercourse, in, under, through, or over the said Lands, or interfere

fere in any Manner therewith, except in such Manner as may be previously approved of by the Commissioners of the Admiralty in Writing under the Hand of the Secretary of the Admiralty.

Commissioners may sell or let Lands.

XIV. It shall be lawful for the Commissioners of the Admiralty to sell, exchange, or in any Manner dispose of or to let or demise all or any of the Lands purchased, taken, or acquired by or vested in them under the Authority of this Act, with their respective Appurtenances (save and except the Property mentioned in the Eighth Section of this Act), which shall not at any Time or Times in the Opinion of the said Commissioners be required for the Purposes thereof, either by public Auction or private Contract; and it shall be lawful for them to convey and assign or to grant or demise the same or any Part thereof to any Person who shall be willing to purchase or take the same, and for that Purpose to make and execute all such Conveyances, Assurances, Leases, and Agreements as may be thought proper, and also to do any other Act, Matter, or Thing in relation to such Lands which shall by the said Commissioners be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any other Person having the absolute Fee Simple in any such Lands.

Monies produced by Sale of Lands to be paid to Her Majesty's Paymaster General.

XV. The Monies to arise and to be produced by Sale or Exchange of any Lands which shall be sold or exchanged or conveyed under the Provisions of this Act shall be paid by the Purchaser thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being, and the Receipt of the said Paymaster General for any such Monies (such Receipt to be indorsed on every such Conveyance as aforesaid) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be so paid.

After Payment, Purchaser to stand possessed of the Lands so purchased.

XVI. Immediately from and after the Payment of such Purchase Money and the Execution of every such Conveyance as aforesaid, the Purchaser therein named shall be deemed to stand seised and possessed of the Lands which shall be so purchased by and conveyed or made over to him freed and absolutely discharged of and from all and all manner of prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in any such Conveyance shall be excepted.

XVII. From

Moon Cove not to be built upon without Consent of Admiralty.

XVII. From and after the passing of this Act, no Part of what now forms the Creek or Cove called *Moon Cove*, referred to in the Second Part of the First Schedule to this Act, shall be filled up or interfered with, nor shall the Soil thereof or of any Part thereof be built upon, without the previous Consent of the Commissioners of the Admiralty signified by Writing under the Hand of their Secretary.

All Works connected with the Gas Company to be executed to Satisfaction of their Engineer.

XVIII. And whereas in the Execution of the Works by this Act authorized the Mains, Pipes, Syphons, Plugs, and other Works belonging to the *Devonport* Gas and Coke Company may be intersected or otherwise interfered with, and it is expedient that such Company should have full Control over the Execution of all Works in any way affecting the Supply by them of Gas, so as effectually to provide against the Supply thereof being impeded: Therefore all Works, Matters, or Things which, under the Provisions of "The Lands Clauses Consolidation Act, 1845," or this Act, the Commissioners of the Admiralty may be empowered or required to do or execute with reference to the Mains, Pipes, Syphons, Plugs, or other Works of such Company respectively, shall be done and executed by and at the Cost of Her Majesty, Her Heirs and Successors, but to the Satisfaction and under the Direction of and in such Manner as shall be required by the Engineer for the Time being of the said Gas Company.

To prevent Interruption of the Supply of Gas.

XIX. If any Interruption whatsoever in the Supply of Gas by the said Company shall be in any way occasioned by the Agents, Workmen, Servants, or any other Person in the Service of Her Majesty, or any or either of them, Compensation shall be made by Her Majesty, Her Heirs and Successors, to the said Company, for the Loss sustained, at the Rate of Ten Shillings for every Hour during which such Interruption shall continue.

As to Repairs of Pipes, &c. in certain Cases.

XX. Provided also, That the Expense of all Repairs or Renewals of the said Pipes or Mains, or any Works in connexion therewith, which may at any Time hereafter be rendered necessary by the Acts or Defaults of any Contractors, Agents, Workmen, Servants, or any other Person in the Service of Her Majesty, shall be borne and paid by Her Majesty, Her Heirs and Successors.

Powers for the Gas Company after Execution of Works.

XXI. If, after the Construction of the said Tunnel across, along, or under any Street or public Thoroughfare in which the said Gas and Coke Company are authorized to lay down Mains or Pipes, such Company shall require to lay down Mains or Pipes across, under, over, or along the said Tunnel, it shall be lawful for such Company, having first given at least Ten Days Notice to the Commissioners of the Admiralty, by leaving the same with the Superintendent of Her Majesty's

Majesty's Dockyard at *Devonport*, (except in Cases of Emergency, when as long a Notice as practicable shall be given to the said Superintendent before the Ground is opened,) to open the Ground over or along the Course of the said Tunnel, for the Purpose of laying down, repairing, cleansing, or inspecting such Mains or Pipes, and to lay down, repair, cleanse, and inspect such Mains or Pipes as often as may be requisite; provided, nevertheless, that such Works shall be executed only according to Plans which shall be previously submitted to the Commissioners of the Admiralty by the *Devonport* Gas and Coke Company, and approved of by the Commissioners of the Admiralty; and the Security of the said Tunnel and its efficient working shall not be interfered with by any such Works.

Not to affect Powers of the Gas Company.

XXII. Except as by this Act expressly enacted, this Act or anything herein contained shall not take away, lessen, or prejudicially affect any of the Powers, Authorities, or Immunities granted or conferred by the *Devonport* Gas and Coke Act, 1853.

The FIRST SCHEDULE to which the foregoing Act refers.

FIRST PART THEREOF.

All such Parts of Her Majesty's Dockyard at Devonport in the County of Devon, the Fee Simple of which may not at the Time of the passing of this Act be vested in Her Majesty, Her Heirs and Successors, or in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, in trust for Her Majesty, Her Heirs and Successors, for the Public Service, and also the free Use in perpetuity of all the Roads, Roadways, Ways, and Passages following; that is to say,

No. 1. A certain Roadway or Passage for all Foot Passengers, and Horses, Carts, and Carriages whatsoever, adjoining the outer Wall of the said Dockyard on the North, South, and East Sides thereof, and is known by the Names following; that is to say, North Corner, Holman's Buildings, Queen Street, Dock-wall Street, James Street, and Mutton Cove, and extends in Length about Three thousand eight hundred Feet, and in Width from the said Dockyard Wall Thirty Feet.

No. 2. A certain Roadway or Passage for all Foot Passengers, and Horses, Carts, and Carriages whatsoever, in, over, through, or upon all that Roadway or Passage of Thirty Feet broad or thereabouts in every Part thereof, extending in an Easterly Direction from a Gate or Place at the West End of Fore Street, Devonport, in the Parish of Stoke Damerel in the said County of Devon, called or known by the Name of the Dockyard Gate, unto or near a Gate or Place now or heretofore called Parsons Gate, which said Roadway or Passage is Seven hundred and two Yards in Length or thereabouts, and forms Part of Fore Street aforesaid, and of the High Road from Devonport aforesaid to the Borough of Tavistock in the said County of Devon, and which said Roadway contains Seven thousand and twenty Square Yards Superficial Measure or thereabouts, and is bounded on the North and South partly by other Parts of Fore Street aforesaid, and partly by Lands, Buildings, Fortifications, and Works belonging to the Principal Officers of Her Majesty's Ordnance in trust for Her Majesty, on the West partly by the said Dockyard Gate and partly by a Portion of the Wall of Her Majesty's Dockyard at Devonport aforesaid, and on the East by the Turnpike Road leading to Tavistock aforesaid.

The

The SECOND PART of the said First Schedule.

All that Piece or Parcel of Ground situate, lying, and being in Morice Town in the Borough of Devonport in the Parish of Stoke Damerel in the County of Devon, including the following, namely:

Firstly. The whole of a Yard known by the Name of Bird's Timber Yard, containing Twenty-two thousand five hundred and ninety-four Feet and Seven Inches or thereabouts Superficial Measure.

Secondly. The Northern Portion of a Yard known as Colwell's Yard, situate on the Western Side of the said last-named Yard, such Portion of Colwell's Yard being in Length on the Eastern Side thereof Seventy-four Feet or thereabouts, and on the Western Side thereof Twenty-three Feet or thereabouts, which said Portion containing by Admeasurement Two thousand eight hundred and eleven Feet and Eleven Inches or thereabouts Superficial Measure.

Thirdly. The Northern Portion of a Yard known as Cornish's Yard, situate on the Western Side of Colwell's Yard aforesaid, which said Portion of Cornish's Yard is in Length on the Eastern Side thereof Twenty-three Feet or thereabouts, and terminates at a Point at the North-western Corner of Cornish's Yard aforesaid, which said last-named Portion contains by Admeasurement One thousand and fifty-nine Superficial Feet or thereabouts.

Fourthly. A Slip or Portion of Ground immediately adjoining the first-named Yard on its Eastern Side, now occupied as a Plantation and Roadway, and containing by Admeasurement Five hundred and ninety-seven Feet Eight Inches or thereabouts Superficial Measure, the whole of which said Piece or Parcel of Ground (comprising the Premises firstly, secondly, thirdly, and fourthly in this Second Part of the said First Schedule described) is bounded on the North by the Keyham Steamyard and a Portion of a Creek or Cove known as Moon Cove, on the South by the Path or Footway of a Street or Road leading from the Northern End of William Street to the Northern End of Tamar Street, both in Morice Town aforesaid, and Portions of the said Colwell's Yard and Cornish's Yard, on the East by a Piece of Ground forming a Portion of the Western Footpath of Morice Place in Morice Town aforesaid, and on the West by a Portion of Colwell's Yard aforesaid and Moon Cove aforesaid, which said Piece or Parcel of Ground (comprising the Premises firstly, secondly, thirdly, and fourthly in this Second Part of the said First Schedule described,) contains in the whole Twenty-seven thousand and sixty-three Feet and Two Inches or thereabouts Superficial Measure.

The

The SECOND SCHEDULE to which the foregoing Act refers.

All that Piece or Parcel of Ground situate and being in Morice Town in the Borough of Devonport in the Parish of Stoke Damerel in the County of Devon, forming or which is intended to form a Portion of the Western Footpath of Morice Place in Morice Town aforesaid, which said Portion of Footpath was lately dedicated or intended to be dedicated by the Trustees of the Lord of the Manor of Stoke Damerel to the Use of the Public, and containing by Admeasurement Eight hundred and ninety-six Square Feet and Four Inches or thereabouts Superficial Measure, which said Piece or Parcel of Ground is bounded on the North by the Keyham Steamyard, on the South by the Northern Footpath of a Road or Street leading from the Northern End of William Street to the Northern End of Tamar Street in Morice Town aforesaid, on the East by the Western Footpath of Morice Place in Morice Town aforesaid, and on the West by a Slip of Ground occupied as a Plantation and Roadway.

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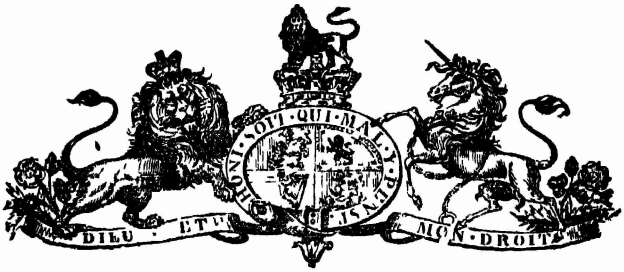

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XVI.

An Act to amend the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, and the Act of the Fifteenth and Sixteenth *Victoria*, Chapter Fifty-four. [2d *June* 1854.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Right of Appeal given by sect. 14. of 13 & 14 Vict. c. 61. to extend to Cases in which Jurisdiction is given by s. 17.

I. That the Right and Mode of Appeal given by the Fourteenth Section of the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, as amended by the Second and Third Sections of the Act of the Fifteenth and Sixteenth *Victoria*, Chapter Fifty-four, shall extend to all Cases decided after the passing of this Act in which Jurisdiction is given by the Seventeenth Section of the said first-mentioned Act in consequence of the Agreement of Parties; but it shall be lawful, when both Parties shall desire that the Decision of the County Court Judge shall be final, to exclude such Right of Appeal, by expressing such their Desire in the Memorandum of Agreement directed by the said Seventeenth Section to be filed with the Clerk of the Court.

Petitions for Protection from Process

II. The Provisions of the Eighteenth Section of the Act of the Fifteenth and Sixteenth *Victoria*, Chapter Fifty-four shall extend to all

to be within the Provisions of the 8th Section of 15 & 16 Vict. c. 54.

all Cases of Petitions for Protection from Process made to a County Court under the Provisions of the Acts of the Fifth and Sixth *Victoria*, Chapter One hundred and sixteen, of the Seventh and Eighth *Victoria*, Chapter Ninety-six, and of the Tenth and Eleventh *Victoria*, Chapter One hundred and two, as fully as if the filing of every such Petition had been required to be registered by the said Eighteenth Section of the first-recited Act.

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Course of Rivers and other Changes which have taken place in such Boundaries, or where, in consequence of Land having been reclaimed from the Sea or a Tidal River or a Lake, it is necessary, for the Purpose of the Ordnance Survey, and also for other public Purposes, that Provision should be made for the Revision of such Boundaries: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Lord Lieutenant to appoint Surveyors to ascertain the Boundaries of Baronies, Townlands, Parishes, &c. and remove them during Pleasure.

I. From and after the passing of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time or Times and from Time to Time, as to him or them shall seem fitting and expedient, to nominate any One or more Persons to ascertain and mark out any such Alterations in the reputed Boundaries of all and every or any County, Barony, Half Barony, Parish, Townland, or other Division or Denomination of Land, by what Name soever any such Division or Denomination shall or may be known or called, in any and every Part of *Ireland*, and that the Lord Lieutenant may from Time to Time remove such Person or Persons, and upon the Removal, Resignation, or Death of any such Person or Persons so appointed shall and may nominate any other Person in the Place or Stead of the Person so dying, resigning, or removed.

Power to Boundary Surveyors to appoint Assistant Surveyors.

II. Every Person so from Time to Time to be appointed shall be called the "Boundary Surveyor;" and it shall and may be lawful for every such Boundary Surveyor to appoint and employ such Surveyors and other Persons as he may deem necessary to assist him in carrying this Act into execution, and from Time to Time to discharge and remove such Persons or any of them, and to appoint other Persons in their Stead: Provided nevertheless, that the Appointment or Removal of any such Surveyor or other Person shall not be valid or effectual until the same respectively shall have been approved of by the Lord Lieutenant or other Chief Governor of *Ireland* by Writing under the Hand of the Chief or Under Secretary for the Time being.

Power to Surveyor to mark out and define altered Boundaries, &c.

III. When the Boundary Surveyor for the Time being shall find that any Change or Alteration has taken place in the Course of any River, Stream, or Fence which had before formed the Boundary of any County, Barony, Parish, Townland, or other Division or Denomination of Land, or in any Part of such Boundary, as marked out under the said recited Act, or that any Land has been reclaimed from the Sea or a Tidal River or a Lake, it shall be lawful for such Boundary Surveyor to ascertain, define, and mark out the present acknowledged or reputed Boundaries of every such County, Barony, Half Barony, Parish, Townland,

Townland, or other Division or Denomination of Land, or of such Portion or Portions thereof respectively, as such Boundary Surveyor may deem it necessary to ascertain, define, or mark out.

Surveyor, &c. empowered to enter Lands to fix Boundaries.

IV. For the Execution of the Purposes of this Act, it shall and may be lawful for any Surveyor appointed under this Act, and for any other Person acting in aid or under the Orders of such Surveyor, and for any Officer or Person appointed by or acting under the Orders of the Master General and Board of Ordnance, and they are hereby respectively authorized and empowered, from Time to Time to enter into and upon any Land or Ground of any Person or Persons whomsoever, for the Purpose of making and carrying on any Survey authorized by this Act, or by the Order of the Master General and Board of Ordnance, and for the Purpose of fixing any Object to be used in the Survey, or any Post, Stone, or Boundary Mark whatsoever, and to fix and place any such Object, Post, Stone, or Boundary Mark whatsoever in the Land or Ground, or upon any Wall, Tree, or Post in the Land or Ground of any Person or Persons whomsoever, and to dig up any Ground for the Purpose of fixing any such Object, Post, Stone, or Boundary Mark, and also to enter upon any Lands or Grounds through which any such Surveyor shall deem it necessary and proper to carry any Boundary Line for the Purposes of this Act, at any Time or Times whatever: Provided always, that such Surveyor and his Assistants and Workmen shall do as little Damage as may be in the Execution of the several Powers to them granted by this Act.

Surveyor shall ascertain the present Boundaries of the Townlands, and mark out the same.

V. When it shall appear to such Boundary Surveyor that the Boundary or Portion of the Boundary (as the Case may be) of any County, Barony, Half Barony, Parish, Townland, or other Division or Denomination of Land is sufficiently ascertained, such Boundary shall be marked out by such Boundary Surveyor or such other Person or Persons as he shall appoint for that Purpose in such substantial and durable Manner as he or they shall think fit and necessary.

Penalty on obstructing Surveyor, &c. in Execution of Duties.

VI. If any Person or Persons shall wilfully obstruct or hinder any Surveyor in the Execution of his Duty in or about the ascertaining and marking out of the Boundaries of any County, Barony, Half Barony, Townland, Parish, or Division, under the Provisions of this Act, or shall assault any such Surveyor, or shall in any way resist such Surveyor in the Performance of his Duty under this Act, or shall obstruct, hinder, assault, or resist any Collector, or any Workman or other Person acting in aid of any such Surveyor in the Execution of this Act, every Person so offending, and being thereof convicted in manner herein-after mentioned, shall forfeit and pay a Sum not exceeding

ceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice before whom such Offender shall be convicted.

Penalty on removing or defacing Boundaries, Stones, &c.

VII. If any Person shall fill up any Trench, or take away, remove, or displace or alter the Situation of any Boundary Stone, Post, or Mark which shall be set up and placed for the Purposes of this Act, or shall wilfully deface, mutilate, break, or destroy any such Boundary Stone, Post, or Mark, every Person so offending, and being thereof convicted in manner herein-after mentioned, shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice before whom such Offender shall be convicted.

Penalties may be recovered before Justices of the Peace.

VIII. All Penalties imposed by this Act may be recovered before any Justice of the Peace under the Provisions of the Petty Sessions (*Ireland*) Act, One thousand eight hundred and fifty-one.

Appeal against Boundaries may be made to Quarter Sessions.

IX. If any Person or Persons interested in any such Boundaries shall be dissatisfied with or shall have any Objection to any Boundary Line or any Part thereof, as marked out by any Surveyor under the Provisions of this Act, it shall and may be lawful for such Person or Persons to appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the Division of the County in which such Boundary Line or any Part thereof so objected to shall be situate, and every Person so appealing shall (if there shall be sufficient Time after the Cause of Complaint shall have arisen) first give or cause to be given Twenty-one Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matters thereof, to the Clerk of the Peace of such County, and within Seven Days next after the Date of such Notice shall enter into a Recognizance before some Justice of the Peace of such County, with Two sufficient Sureties, conditioned to bring such Appeal to a Hearing, and to abide by or to submit to the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and for Want of sufficient Time for giving such Notice previous to the Quarter Sessions next after the Cause of any such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General or Quarter Sessions of the Peace to be holden for such Division of such County, and the Clerk of the Peace, within Six Days after the Receipt thereof, shall give Notice of such Appeal to the Boundary Surveyor, and also to the Churchwardens or Churchwarden of the Parish or Parishes within or between which such Boundary Line or such Part thereof as shall be objected to shall be situate, and such Churchwardens or Churchwarden shall post Copies of such Notice, or shall cause the same to be posted and affixed, on the most public

public Doors of the Churches and other Places of Public Worship within such Parish or Parishes, and at such other Places as are appointed by Law for the posting of Notices in such Parishes, on the *Sunday* next after the Receipt of such Notice by such Churchwardens or Churchwarden; and the Justices at such First or Second Sessions or any Adjournment thereof, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall and may award such Costs to the Party appealing or appealed against as they the said Justices shall think proper, whether such Appeal shall have been entered and tried or not; and it shall be lawful for such Justices at such Sessions, by their Order or Warrant, to levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for Want of sufficient Distress to commit such Person or Persons to the Common Gaol or House of Correction for such County, there to remain for any Time not exceeding Two Calendar Months, or until Payment of such Costs.

Boundary Surveyor to submit to Grand Jury a Report, &c. of proposed Alterations in any County or Barony, and where County Boundaries are proposed to be altered, shall submit a Report and explanatory Map to Grand Juries of both Counties, which shall be fiated by Judges of Assize.

X. In all Cases in which it is proposed to make any Alteration of the Boundary of any County or Barony, the Boundary Surveyor shall submit to the Grand Jury of such County for Approval a Report setting forth the Detail of the proposed Alterations in such Boundaries, with the Grounds for making the same, accompanied by a Map showing the Boundary or Boundaries as originally laid down on the Ordnance Plans of such County or Barony; and in all Cases of Alteration in the Boundary between Counties a Report and explanatory Map shall be submitted for Approval to the Grand Juries of both Counties, and shall, after such Approval, be fiated by the Judge of Assize in each County at the same Spring or Summer Assizes, as the Case may be, before any further Proceedings take place in regard to the Alteration of such County Boundary: Provided always, that in case any Appeal shall have been lodged to Quarter Sessions against any such Alterations, such Reports shall not be so submitted until such Appeal shall have been determined.

Boundary Surveyor to submit a Map and detailed Report to Lord Lieutenant, showing original and altered Boundaries.

XI. In all Cases in which it is proposed to make an Alteration in any Boundary from that heretofore laid down on the Ordnance Plan of any County, whether such Alteration refers to the Boundaries of Counties, Baronies, Parishes, Townlands, or other Denomination, the Boundary Surveyor shall, with all convenient Speed after such Alterations shall have been so fiated, prepare and make out a Report in detail of the proposed Alteration in any of such Boundaries, with the Grounds for making such Alteration, accompanied by a Plan or Plans showing in detail the original Boundaries as laid down on the Ordnance

Lord Lieutenant may make Order directing that new Boundary shall, for all public Purposes, be deemed and taken as the Boundary of such County, Barony, &c.

Plans, and those which it is proposed to substitute for them, and shall submit the same to the Lord Lieutenant and Privy Council, who may, if he or they shall think fit so to do, make Order directing that the new Boundary so marked out by the Boundary Surveyor, or so altered by the Justices on the hearing of such Appeal, (as the Case may be,) or such Portion or Portions of either of such Boundary Lines as such Lord Lieutenant shall think proper, shall for all public Purposes be and be deemed and taken to be the Boundary of or Portions of the Boundary, as the Case may be, of such County, Barony, Parish, Townland, or other Division or Denomination of Land.

Lord Lieutenant may declare from what Period the same shall take effect, and adjust all Matters in respect to Right of voting at Elections, &c.

XII. The said Lord Lieutenant in Council shall and may by every such Order as aforesaid fix and declare from what Period the same shall take effect, and settle and adjust all such Matters in respect of the Right of voting at Elections of Members to serve in Parliament by Persons holding or occupying Houses, Lands, or Tenements in such County or Barony, and for the Alteration or Amendment of the Lists or Registers of Electors accordingly, and in respect of the Assessment, Applotment, and Levy of Grand Jury, and all other Rates and Assessments, and in respect of all other Matters and Things proper or necessary to be settled and adjusted in consequence of such Order; and the Order of the said Lord Lieutenant in Council shall be conclusive and binding in Law in respect of the several Matters and Things therein contained; and every such Order shall be published in the *Dublin Gazette;* and a Copy or Copies of such Order, certified under the Hand of the Clerk of the said Council, shall be transmitted to the Clerk of the Peace for each County to which such Order shall in any way relate, to be by him kept and preserved in his Office, and exhibited at all reasonable Hours to any Person or Persons who may desire to inspect the same, without Fee or Reward.

Lord Lieutenant may make supplemental Order for removing Doubts or settling Disputes, &c.

XIII. It shall be lawful for the said Lord Lieutenant in Council, from Time to Time, as Occasion may require, to make any supplemental Order or Orders for removing such Doubts or settling such Disputes as may arise in consequence of the Changes effected by virtue of the Provisions herein-before contained; and every such supplemental Order shall be published, and transmitted to the Clerk of the Peace, to be by him preserved, and exhibited for Inspection in like Manner as herein-before provided in respect of any original Order; and every such supplemental Order shall have the same Force and Effect as if it had formed Part of any original Order made under the Provisions of this Act.

Act not to affect the Boundaries

XIV. No Order made in pursuance of this Act shall in any way affect the Boundary or Boundaries of any Land with reference to any Right,

Right, Title, Claim, Possession, or Interest therein; nor shall the Description or Denomination in any Pleadings or Proceedings, Criminal or Civil, in any Court of Law or Equity, pending or instituted previous to the Time limited for such Order taking effect, be in any way vitiated or affected thereby; and in the Case of any Suit or Proceeding, Criminal or Civil, pending or instituted previous to the Time assigned in and by such Order for the same taking effect, such Suit or Proceeding shall and may be continued as if no such Order had been made, and without regard thereto, and the said Order shall in respect of such Suit or Proceeding, and any and every Matter relating thereto, be void and of none effect; and wherever, in any Deed or Instrument made previous to the Time appointed for such Order taking effect, any Portion or Portions of Land shall have been described or denominated by the Name of the County, Barony, Half Barony, Parish, Townland, or other Division or Denomination of Land to which the same may have originally belonged, such Portion or Portions of Land shall be deemed and taken to have been described or denominated by the Name of the County, Barony, Half Barony, Parish, Townland, or other Division or Denomination of Land to which it shall be by such Order united, as if such last-mentioned County, Barony, Half Barony, Parish, Townland, or other Division or Denomination of Land to which the same originally belonged; and such Portion or Portions of Land shall and may, in all Suits and Proceedings at Law or Equity at any Time afterwards instituted, be described and denominated as belonging to the County, Barony, Half Barony, Parish, Townland, or other Division or Denomination of Land to which it shall be so united by such Order.

of Lands with respect to Rights of Owners.

XV. The Boundary Surveyor and every other Surveyor or Person who shall be employed in the Execution of this Act shall be entitled to receive for his Trouble and Loss of Time such Sum and Sums of Money and Allowance for Travelling and Hotel Expenses as shall be fixed by the Lord Lieutenant; which Sums of Money and Allowances shall be paid by the Commissioners of Her Majesty's Treasury, at such Times and under such Regulations as shall be fixed by the Lord Lieutenant and the said Commissioners, out of Monies to be provided by Parliament for that Purpose.

Boundary Surveyor and all other Persons shall receive for Trouble and Loss of Time such Sum or Sums as shall be fixed by the Lord Lieutenant.

XVI. In the Construction of this Act the Word "Lord Lieutenant" shall be deemed to mean Lord Lieutenant or other Chief Governor or Governors of *Ireland;* the Word "County" shall include County of a City, County of a Town, and Towns Corporate, and where Counties have been divided into Ridings, each Riding shall for the Purposes of this Act be deemed and taken to be a separate County; the

Construction of certain Terms.

the Word "Parish" shall include all Chapelries or Divisions of Parishes, or extra-parochial Divisions, and all Unions of Parishes.

Act to extend to Ireland only

XVII. This Act shall extend to *Ireland* only.

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for inducing all *British* Seamen, who may be in any Foreign Service to return into this Kingdom, and become serviceable to Her Majesty; and for the more effectually securing and extending the Trade of Her Majesty's Subjects; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. This Act may for all Purposes be cited as "The Prize Act, *Russia*, 1854."

Commencement of Act.

II. This Act shall come into operation on the First Day of *June* One thousand eight hundred and fifty-four.

Interpretation of certain Terms in this Act.

III. In the Construction of this Act, the following Terms shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter:

"Her Majesty:" "Her Majesty" shall include Her Majesty, Her Heirs and Successors:

"Lords of the Admiralty:" "Lords of the Admiralty" shall include the Lord High Admiral and also the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being:

"Court of Admiralty:" "Court of Admiralty" shall include the High Court of Admiralty of *England* and all Admiralty, Vice-Admiralty, and other Courts, having or exercising Admiralty Jurisdiction within Her Majesty's Dominions, which shall be duly authorized to take cognizance of and judicially to proceed in Matters of Prize:

"Vice-Admiralty Courts." "Vice-Admiralty Courts" shall include all such Courts other than the High Court of Admiralty of *England*:

"Judge:" "Judge" shall include any Judge, Deputy Judge, Surrogate, or other Person duly appointed to act as Judge in any Court of Admiralty:

"Ship and Vessel:" "Ship and Vessel" shall include all and all Manner of Ships, Vessels, and Boats:

"Her Majesty's Ships and Vessels of War:" "Her Majesty's Ships and Vessels of War" shall include all Ships and Vessels belonging to Her Majesty, as also any hired armed Ships or Vessels in Her Majesty's Service:

"Officers and Crew." "Officers and Crew" shall include all Flag Officers, Commanders, other Officers, Engineers, Seamen, Marines, Soldiers, and others on board any of Her Majesty's Ships or Vessels of War:

"Government Accountant" "Government Accountant" shall include any Officer in charge of public Money, whether belonging to the Commissariat, Customs, or any other Department, who may have been, or

may

may be hereafter, appointed by the Lords of the Treasury or Admiralty.

IV. All Vice-Admiralty Courts within Her Majesty's Dominions are hereby empowered, directed, and required to enforce upon all Persons within their respective Jurisdictions all Orders whatsoever of the High Court of Admiralty of *England*, whether relating to Prizes or to any Matter or Thing arising therefrom.

Vice Admiralty Courts to enforce Orders of High Court of Admiralty.

V. The Officers and Crew of any of Her Majesty's Ships or Vessels of War shall have the whole Right and Interest to and in the Proceeds of all and every Ship, Vessel, Goods, and Merchandise which they have taken or shall hereafter take during the Continuance of Hostilities against the Emperor of All the *Russias*, after the same shall have been adjudged lawful Prize in any Court of Admiralty, such Proceeds to be divided in such Proportions and after such Manner as Her Majesty by Her Proclamation has already ordered and directed, or as Her Majesty shall think fit to order and direct by any Proclamation hereafter to be issued: Provided nevertheless, that whenever any Prize shall be taken by any of Her Majesty's Fleets, Squadrons, Ships, or Vessels of War, while acting in conjunction with any Fleets, Squadrons, Ships, or Vessels of War of any other Power in alliance with Her Majesty, the Court of Admiralty adjudicating thereon shall apportion to such Ally a Share of the Proceeds of such Prize, after the same has been condemned, proportionate to the Number of Officers and Men present and employed by such Ally, as compared with the Number of Officers and Men present and employed on the Part of Her Majesty, in taking such Prize, and without reference to their respective Ranks; and the Share so apportioned to such Ally shall be transmitted to such Persons as may be duly authorized on behalf of such Ally to receive the same.

Ships and Goods taken by Her Majesty's Ships and adjudged as Prize to be divided according to Her Majesty's Proclamation.

Share reserved when Allies act in conjunction.

VI. The Officers and Crews of any of Her Majesty's Ships or Vessels of War who shall take any Fortress, or any Arms, Ammunition, Stores of War, Goods, Merchandise, or Treasure belonging to the State, or to any public trading Company of any of Her Majesty's Enemies upon the Land, or any Ship or Vessel, or Goods or Merchandise laden on board the same, in any Creek, River, Haven, or Road belonging to or defended by such Fortress, or in any way whatsoever belonging to such Enemies, shall have the sole Right and Interest to and in the Proceeds of all and every such Ship or Vessel, Arms, Ammunition, Stores of War, Goods, Merchandise, and Treasure, after final Adjudiction thereof as lawful Prize to Her Majesty in the Court of Admiralty; and such Court is hereby required judicially to proceed thereon as in other Cases of Prize, and such Proceeds shall be apportioned

Arms, Stores, &c. taken by Her Majesty's Ships in any Fortress on Land, and Ships and Goods in any Creek, &c. defended thereby, to be divided as other Prize.

tioned in such Manner and Proportions, both as to Her Majesty's Allies and otherwise, as in other Cases of Prize.

As to Divisions of Prize taken in conjunct Expeditions of the Army and Navy.

VII. In conjunct Expeditions of the Navy and Army against any Fortress or Possession of Her Majesty's Enemies upon the Land, the Flag and General Officers, Field Officers of the Army, Captains, Commanders of the Navy, and other Officers, Engineers, Seamen, Marines, Soldiers, and others acting on such conjunct Expedition, shall have such proportional Right and Interest as Her Majesty shall think fit to order and direct in all the Arms, Ammunition, Stores of War, Goods, Wares, Merchandise, and Treasure belonging to the State, or to any public trading Company of such Enemies, which shall be found in such Fortress or Possession, and also in every Ship or Vessel, with the Arms, Ammunition, Tackle, Apparel, and Furniture thereof, and all the Goods, Wares, and Merchandise and other Effects on board the same, which shall be captured in any Road, Haven, River, or Creek belonging to or defended by such Fortress or Possession, after final Adjudication thereof as lawful Prize to Her Majesty in any of the Courts aforesaid; and such Courts are hereby required to proceed and adjudicate thereon as in other Cases of Prize, and the Share assigned to the Fleet by such Directions shall be distributed in the same Manner and Proportions as in other Cases of Prize, and the Share assigned to the Army shall be distributed amongst the Officers and Soldiers, in such Manner as Her Majesty shall under Her Sign Manual be pleased to direct:

Proviso.

Provided nevertheless, that the Right and Interest hereby given to the Army employed on such conjunct Expeditions shall not entitle the said Army to share in the Distribution of any Ship, Vessel, Goods, or Merchandise, or other Effects, captured in the Voyage to or from such Fortress or Possession.

Naval Stores found on board Foreign Ships may be purchased by the Admiralty for the Public Service.

VIII. And whereas Ships and Vessels of Foreign Nations may pass the Seas laden with Naval and Victualling Stores intended to be carried to the Ports of Countries at War with Her Majesty, whereby Her Majesty's Enemies may be supplied with Materials to build, fit out, and provision Ships and Vessels of War: And whereas divers Ships and Vessels of Foreign Nations laden as aforesaid may be taken and brought into the Ports of *Great Britain*, and the Purchase of such Stores laden on board such Ships and Vessels of Foreign Nations for the Service of Her Majesty may in many Cases be expedient without proceeding to the Condemnation thereof: Be it therefore enacted, That the Lords of the Admiralty or their Officers or Agents, may purchase on the Account or for the Service of Her Majesty all or any such Stores found on board any such Ships or Vessels of Foreign Nations brought into Port as aforesaid; and the Commissioners and Officers of the

the Customs for the Time being may permit such Stores so purchased as aforesaid to be entered and landed within any of the Ports of Her Majesty's Dominions.

IX. Any Ship, Vessel, Goods, or Merchandise belonging to any of Her Majesty's Subjects captured by any of Her Majesty's Enemies, and afterwards recaptured from the Enemy, by any of Her Majesty's Ships or Vessels of War, shall be adjudged by the Decree of the Court of Admiralty to be restored to the Owner or Proprietor thereof upon Payment for and in lieu of Salvage of One Eighth Part of the true Value of the said Ship, Vessel, Goods, or Merchandise respectively, and such Salvage of One Eighth shall be divided and distributed in such Manner and Proportion as is herein-before directed in Cases of Prize: Provided nevertheless, that if any such Ship or Vessel captured and recaptured as aforesaid shall have been by Her Majesty's Enemies set forth or used as a Ship or Vessel of War, it shall not be restored to the former Owner or Proprietor thereof, but shall be adjudged lawful Prize for the Benefit of the Captors.

British Ships and Vessels recaptured to be restored on Payment of Salvage.

In what Case to be decreed as lawful Prize.

X. Any Ship, or Vessel, belonging to any of Her Majesty's Subjects, whether in Ballast, or laden with any Goods or Merchandise belonging to the same, which shall have been captured by the Enemy and recaptured by any of Her Majesty's Ships and Vessels of War before the same shall have been carried into an Enemy's Port, may, with the Consent of the Recaptors, prosecute her Voyage, and it shall not be necessary for the Recaptors to proceed to Adjudication till the Return of the Ship or Vessel to some Port within the United Kingdom; and the Master or Owner thereof, or his Agent, may, with the Consent of the Recaptor, unlade and dispose of the Cargo before Adjudication; and in case the Ship or Vessel shall not within Six Months return to some Port within the United Kingdom, the Re-captor may, notwithstanding, institute Proceedings against the said Ship or Vessel, Goods or Merchandise, in the High Court of Admiralty of *England*, and the said Court may thereupon award One Eighth Part of the Value of the said Ship, Vessel, Goods, or Merchandise to the Recaptor thereof, and may enforce the Payment thereof either by Warrant of Arrest against the said Ship or Vessel, Goods or Merchandise respectively, or by Monition and Attachment against the respective Owners thereof.

Ships of Her Majesty's Subjects recaptured before carried into Port may be allowed to prosecute their Voyage.

XI. Whereas it is expedient to give Encouragement to the Officers and Crews of Her Majesty's Ships and Vessels of War to attack and destroy any armed Ships or Vessels of War, or Privateers, belonging to the Enemy: Be it enacted, That the Officers and Crews of any of Her Majesty's Ships or Vessels of War who shall have been

Bounties to be granted on Capture of Enemy's armed Ships or Privateers.

 actually

actually present at the taking, sinking, burning, or otherwise destroying of any Ship or Vessel of War or Privateer belonging to Her Majesty's Enemies shall be entitled to a Bounty of Five Pounds of lawful Money of *Great Britain* for each and every Person who was alive on board any such Ship or Vessel of War or Privateer belonging to Her Majesty's Enemies at the Beginning of the Attack or Engagement between them, the Numbers of such Persons respectively to be proved by the Ship's Papers or by the Oaths of Three or more of the Persons, belonging to the said Enemy's Ship or Vessel of War or Privateer, if so many shall survive, or by the Oaths of the Survivors, or if there be no Survivor, then by the Oaths of Three or more of the Officers and Crew of the capturing Ship or Vessel, or by such other Evidence as under the Circumstances of the Case shall by the Judge of the Court of Admiralty be deemed sufficient Proof thereof; and such Bounties shall be paid out of any Monies voted by Parliament for that Purpose, or out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, upon the Production of an Official Copy of the Decree of the said Court of Admiralty, setting forth the Number of Persons who were alive on board such Ship or Vessel of War or Privateer belonging to the Enemy at the Beginning of the Attack or Engagement between them; provided that every such Decree shall be subject to Appeal as is herein-after provided in Cases of Prize.

Regulations of Prize to apply to Bounty, Salvage, and Shares assigned by Allies.

XII. All Provisions contained in this Act respecting the Distribution of Prize shall apply to Bounty Money, Salvage upon Recapture, as well as to any Shares of Prize which may be awarded by the Prize Court of any Ally to the Officers and Crews of Her Majesty's Ships and Vessels of War present at the Capture of any such Prize.

Exception as to Vessels in the Service of the Customs or Inland Revenue.

XIII. Ships, Vessels, Goods, and Merchandise captured by any private Ship or Vessel hired by or in the Service of Her Majesty's Commissioners of Customs or Inland Revenue shall belong to Her Majesty in Her Office of Admiralty, and be applied and disposed of in such Manner as Her Majesty under Her Sign Manual shall order and direct, after legal Adjudication thereof.

How many small armed Ships may be included in One Adjudication.

XIV. For the Encouragement of the Capture of armed Ships and Vessels belonging to the Enemy, be it enacted, that it shall be lawful for the Captors to include in One Adjudication any Number, not exceeding Six of such small armed, Ships, having a Commission or Letter of Marque from the Enemy, not exceeding Seventy Tons each, and which shall have been taken within the Space of Three Months preceding the Application to the Court of Admiralty for such Adjudication.

XV. All

XV. All Ships, Vessels, Goods, and Merchandise which shall be brought into Port within the Jurisdiction of the Court of Admiralty, in order to be proceeded against to Condemnation as Prize, shall be forthwith, and without breaking Bulk, delivered up to and remain in the Custody and Care of the Marshal, his Substitute, or other Officer* to be appointed by the said Court, or if there be no such Officer, then shall be delivered up to the Collector or Comptroller or other principal Officer of the Customs or of Navigation Laws at such Port, and shall remain in such Custody and Care subject to the Decree of the Court.

Captures brought into Port to be handed over to Marshal or Officer of Customs.

XVI. That upon any Ship, Vessel, Goods, or Merchandise, captured as Prize, being brought into Port, the Captor, or One of his Chief Officers, or some other Person present at the Capture, shall bring or send, as soon as possibly may be, Three or Four of the principal Persons belonging to the captured Ship or Vessel (Two of whom shall always if possible be either the Master, Supercargo, Mate, or Boatswain,) before the Judge of the Court of Admiralty, or such Person as shall be lawfully commissioned in that Behalf, by whom they shall be sworn and examined upon the standing Interrogatories; and within Five Days after Request made to the Judge of the Court of Admiralty the preparatory Examinations on the standing Interrogatories shall be concluded, unless good and sufficient Reason be shown for an Extension of such Time.

Mode of Procedure against Prize.

Examination of Witnesses on standing Interrogatories.

XVII. The Captor shall, at the Time of producing the aforesaid Persons to be examined, and before any Monition shall be issued, bring and deliver into the Registry of the said Court of Admiralty all such Books, Papers, Passes, Sea Briefs, Charter-parties, Bills of Lading, Cockets, Letters, and other Documents and Writings whatsoever as shall be delivered up or found on board any such Ship or Vessel; and the Captor, or One of his Chief Officers, or some other Person who was present at the Capture, and saw the said Papers and Writings delivered up or otherwise found on board at the Time of the Capture, shall make Oath that the said Papers and Writings are brought and delivered in as they were received and taken, without any Fraud or Addition, Subduction, Alteration, or Embezzlement whatever, or otherwise shall account for the Absence or for the altered Plight and Condition of the same, upon Oath to the Satisfaction of the Court, and in the event of no such Books, Papers, Passes, Sea Briefs, Charter-parties, Bills of Lading, Cockets, Letters, or other Documents or Writings, being delivered up as found on board such Ship or Vessel, such Captor, Chief Officer, or other Person shall make Oath to that Effect.

Affidavit as to Letters and Papers found on board.

XVIII. In

What Documents to be translated for the Use of the Cause.

XVIII. In order to save unnecessary Delay and Expense, the Captor and Claimant may agree, or in case there shall be no Claimant, the Captor may direct which and what Parts (if any) of the several Books, Papers, Passes, Sea Briefs, Charter-parties, Bills of Lading, Cockets, Letters, and other Documents and Writings delivered up or found on board the captured Ship or Vessel shall be translated, in order to the same being used in the Cause.

Where there is no Claim, or no Security for Costs is given by the Claimant.

Monition for Adjudication.

XIX. In case no Claim in respect of any captured Ship, Vessel, Goods, or Merchandise shall be duly entered in the usual Form, and verified on Oath, or if there be any Claim, and the Claimant shall neglect or refuse to give Security for Costs in the Sum of Sixty Pounds Sterling within Five Days from the Time of entering such Claim, the Judge of the Court of Admiralty shall, within Three Days after Request in that Behalf made to him, decree the usual Monition, returnable within Twenty Days, citing all Persons in general to show Cause why the said Ship, Vessel, Goods, or Merchandise should not be condemned as lawful Prize; and upon the Return of such Monition duly executed the said Judge shall, upon the Production to him of the said preparatory Examinations or a Copy thereof, as also of all the aforesaid Books, Papers, Sea Briefs, Charter-parties, Bills of Lading, Cockets, Letters, and other Documents and Writings, proceed with all convenient Speed either to release or condemn the said Ship, Vessel, Goods, or Merchandise, or may allow further Time either for a Claim to be entered or Security to be given.

Where Claim and Security for Costs is given.

XX. In case a Claim verified upon Oath shall be duly entered, and Security as aforesaid be given thereupon, and there shall appear no Occasion to call for any further Proof, as herein-after mentioned, the Judge shall, as soon as conveniently may be, after such Claim shall have been entered and Security given, proceed to sentence as aforesaid touching such captured Ship, Vessel, Goods, or Merchandise.

Monition to proceed to Adjudication.

XXI. Whenever any Ship, Vessel, Goods, or Merchandise shall have been captured and brought in by any of Her Majesty's Ships and Vessels of War, but the Captors shall neglect or refuse, notwithstanding such Capture and Seizure as aforesaid, to institute Proceedings in the Court of Admiralty in order to bring the said Ship, Vessel, Goods, or Merchandise to Adjudication, the Judge of such Court shall, upon the Request of any Claimant, who shall have duly entered his Claim verified upon Oath, and shall have given good and sufficient Security as aforesaid, decree a Monition against the Captors, returnable within Six Days, citing them to appear and proceed to the legal Adjudication of such Ship, Vessel, Goods, or Merchandise; and upon

upon the Return of such Monition duly served, the Judge of such Court shall forthwith proceed to the Adjudication thereof.

XXII. Whenever it shall appear doubtful to the Judge of the Court of Admiralty, upon the Production to him of the aforesaid preparatory Examinations and Papers, whether the said Capture be lawful Prize or not, he may direct further Proof to be adduced either by Affidavit, or by examining Witnesses on Pleadings, or by the Production of any further Papers or Documents, as to him shall seem meet, and upon the Production of such further Proof may proceed to adjudicate thereupon.

Court may order further Proof.

XXIII. Before Condemnation no Claim on behalf of any asserted Joint Captor shall be admitted until Security shall have been given by or on behalf of such asserted Joint Captor to contribute to the actual Captor his Proportion of the Expenses, Costs, and Damages that may be incurred by or awarded against the actual Captor on Account of the Capture and Detention of the said Ship, Vessel, Goods, or Merchandise; and after final Condemnation no such Claim shall be admitted until the asserted Joint Captor has paid his Proportion of all such Expenses as shall have attended the obtaining the final Condemnation, and unless he show sufficient Cause to the Court why such Claim was not asserted at or before the Return of the Monition: Provided always, that nothing herein contained shall extend to the asserted Interest of any Flag Officer claiming to share in any Prize by virtue of his Flag.

Claim of joint Capture to be admitted only on Security being given for Proportion of Expenses, Costs, and Damages.

XXIV. Whenever it appears desirable, either from the Nature of the Property captured, the probable Length of the Proceedings, or any other sufficient Cause, that the Ship, Vessel, Goods, or Merchandise, or any Part thereof, should be sold, the Judge of the Court of Admiralty may direct the same to be appraised by competent Persons, sworn to appraise the same according to the best of their Skill and Knowledge, and for this Purpose may direct the said Goods or Merchandise to be unladen, and an Inventory thereof to be taken, and after such Appraisement may direct the same or any Part thereof to be warehoused, under safe and proper Keeping, or may direct the same, or any Part thereof, to be sold, and the Proceeds to be paid to the Account of Her Majesty's Paymaster General at the Bank of *England* on account of Naval Prize, or to some Government Accountant in Her Majesty's Dominions, in order that the same may be transferred to the said Account; and in case the said Ship, Vessel, Goods, or Merchandise should be decreed to be restored to any Claimant thereof, the Proceeds arising therefrom, and which shall have been so paid to the Naval Prize Account or to a Government Accountant

Ship, Vessel, or Goods may be appraised, and after Appraisement may be sold, by Decree of the Court.

In case Ship, &c. decreed to be restored.

countant as aforesaid, shall be repaid to such Claimant; but in case the same shall be condemned as lawful Prize, such Proceeds shall be distributed to and amongst the Captors in manner herein-after directed.

Court may direct the Ships or Goods to be delivered up to the Claimant on giving Security.

XXV. The Judge of the Court of Admiralty may, upon the Application of the Claimant, direct any Ship, Vessel, Goods, or Merchandise brought before it for Adjudication to be delivered up to him upon the same being appraised by competent Persons as aforesaid, and upon his giving good and sufficient Security to pay the Captor the appraised Value thereof, in case the same should be adjudged lawful Prize; and may direct the Captor to give good and sufficient Security to pay such Costs and Damages as to him may seem meet, in case such Ship, Vessel, Goods, or Merchandise shall not be condemned as lawful Prize.

Sale of Vessel after Condemnation.

XXVI. Whenever any Ship, Vessel, Goods, or Merchandise has been condemned as Prize in the Court of Admiralty, the Judge of the said Court shall forthwith direct the same to be appraised and sold by the Officers of the Court, or by Persons authorized by the Court for that Purpose, and the Proceeds thereof to be forthwith paid to the Account of Her Majesty's Paymaster General at the Bank of *England* on account of Naval Prize, or to some Government Accountant within Her Majesty's Dominions, in order that the same may be transferred to the said Account.

Bounty, Salvage, &c. to be paid to the Account of the Paymaster General.

XXVII. Any Bounty, Salvage, or other Monies, payable and distributable under the Provisions of this Act, and amongst the Officers and Crews of any of Her Majesty's Ships and Vessels of War, shall in like Manner be forthwith paid to the Account of Her Majesty's Paymaster General at the Bank of *England* on account of Naval Prize, or to some Government Accountant within Her Majesty's Dominions, in order that the same may be transferred to the said Account.

Final Distribution of Bounty, Salvage, &c.

XXVIII. Whenever the Proceeds of any Ship, Vessel, Goods, or Merchandise condemned as Prize, or any Bounty, Salvage, or other Monies payable and distributable under the Provisions of this Act, have been paid into the Account of Her Majesty's Paymaster General at the Bank of *England* on account of Naval Prize, or to some Government Accountant within Her Majesty's Dominions, in order that the same may be transferred to the said Account, the High Court of Admiralty of *England*, or the Court which shall have condemned the said Prize or awarded the said Bounty, Salvage, or other Monies, may direct the Payment thereout of all Costs, Charges, and

and Expenses which may be chargeable against the same, or which may have been incurred by the Captor, his Attorney or Agent, after such Costs, Charges and Expenses shall have been taxed or allowed by the Registrar of such Court, or his Deputy; and the Balance of such Prize, Bounty, Salvage, or other Monies shall thereupon, and after the Time for appealing shall have expired, be distributed by the Lords of the Admiralty to and amongst the Persons entitled thereto, after the same shall have been notified in the *London Gazette*.

Parties claiming Benefit under this Act may resort to the Court of Admiralty of England.

XXIX. The Lords of the Admiralty or any Party claiming any Interest in any Prize, Bounty, Salvage, or other Monies payable and distributable under the Provisions of this Act, and which have been paid or transferred to the Naval Prize Account as aforesaid, may, prior to the Distribution thereof, resort to the High Court of Admiralty of *England* for the Purpose of obtaining the Judgment of the said Court in that Behalf, and the Judge of the said Court shall proceed to hear and determine the same, and may make such Order in the Premises as to him shall seem right.

Registrars of Vice-Admiralty Courts shall transmit Accounts.

XXX. The Registrars of the Vice Admiralty Courts or their Deputies shall, on the First Day of *January* and First Day of *July* in every Year, transmit to the Registry of the High Court of Admiralty of *England*, to remain of Record therein, in such Form as the Lords of the Admiralty may direct, a List or Return of all Cases which have been adjudged in their respective Courts under the Provisions of this Act during the Six Months next preceding; provided that it shall be lawful for the Lords of the Admiralty, from Time to Time, to vary or alter such Form as to them may seem meet; and the Registrar of the High Court of Admiralty of *England* shall, as soon as conveniently may be after the Receipt thereof, transmit a Copy of such List or Return to the Lords of the Admiralty, to be by them laid before both Houses of Parliament.

High Court of Admiralty of England may compel Production of Proceeds, &c.

XXXI. The Judge of the High Court of Admiralty of *England* may, on the Application of the Lords of the Admiralty or of any Person interested in the Proceeds of any Prize, or in any Salvage, Bounty, or other Monies, and on an Affidavit setting forth the Circumstances of the Case, compel, by Process of the Court and by Monition and Attachment, the Production of any Books, Papers, or other Documents relating thereto, and the paying or transferring of such Proceeds, Salvage, Bounty, or other Monies into the Naval Prize Account as aforesaid, and the answering to such Interrogatories touching the same as the Court may approve, and may make such Order

ler in the Premises touching and concerning the same, and the sts of such Proceedings, as to it shall seem meet.

Penalty of One Pound per Cent. per Month on retaining Proceeds contrary to this Act.

XXXII. Any Captor or other Person who shall acquire or retain the Proceeds of any Prize or any Salvage, Bounty, or other Monies contrary to the Provisions of this Act, except for reasonable Cause to be allowed by the Court of Admiralty, shall pay Interest thereon not exceeding the Rate of One Pound *per Centum per* Month for such Time as the same shall so be in his Custody or Possession, in addition to any other Penalties imposed by this Act, and such Interest shall be deemed to be Part of such Proceeds, and be paid and applied accordingly.

Provisions for Appeal.

XXXIII. The Captor or Claimant may appeal from any Sentence or any Interlocutory Decree having the Force of a Definitive Sentence, given or pronounced in the Court of Admiralty, to Her Majesty in Council, and when required shall give good and sufficient Security that he will effectually prosecute such Appeal, and pay such Costs, Damages, and Expenses as may be awarded by Her Majesty or by the Judicial Committee of the Privy Council; and every such Appeal shall be made in such Manner and Form, and subject to such Rules, Orders, and Regulations, as are now or for the Time being may be in force in respect to any Ecclesiastical and Maritime Causes of Appeal.

Jurisdiction of the Judicial Committee in Prize Appeals.

XXXIV. The Judicial Committee of the Privy Council shall have full Power, Jurisdiction, and Authority to proceed to hear and report upon all and all Manner of Causes of Appeal relating to Captures, Re-captures, Bounties, Seizures, Prizes, and Reprisals of all Ships, Vessels, Goods, and Merchandise already seized and taken, or which shall be hereafter seized and taken, that may be brought before them from the Court of Admiralty, and may therein exercise all such Powers as now appertain to them in respect of Appeals from any Ecclesiastical Court or Court of Admiralty, and in addition thereto shall have and exercise all such Powers as are by this Act given to the Court of Admiralty, and all such Powers as heretofore have been wont to be exercised by the Commissioners of Appeal in Prize Causes.

Custody of Processes, Papers, &c.

XXXV. All Processes, Papers, and other Documents, required for the Purposes of any Appeal under the Provisions of this Act shall be transmitted to and remain in the Custody and Possession of the Registrar of Her Majesty in Ecclesiastical and Maritime Causes; and the said Registrar shall, if he shall so think fit, either in Person or by

by Deputy, attend the Hearing by the said Judicial Committee of all Prize Appeals, and shall do all such Things, and shall have and exercise the same Powers and Privileges in respect to such Prize Appeals, as he now does, or has, or exercises in respect to Appeals in Ecclesiastical and Maritime Causes.

Persons intervening on Appeal must enter a Claim.

XXXVI. In case any Person who was not an original Party in the Cause shall intervene, or interpose an Appeal from any Sentence or Interlocutory Decree having the Force of a Definitive Sentence given or pronounced in the Court of Admiralty, he shall at the same Time enter his Claim, verified upon Oath, and shall give good and sufficient Security for Costs, otherwise such Appeal shall be null and void.

Limit of Time of Appeal.

XXXVII. In every Appeal from a Sentence or Interlocutory Decree having the Force of a Definitive Sentence given or pronounced in any Court of Admiralty the usual Inhibition shall be extracted from the Registry of Her Majesty in Ecclesiastical or Maritime Causes, within Three Months if the Appeal be from the High Court of Admiralty of *England*, and within Six Months if the Appeal be from the Vice-Admiralty Court of the *Cape of Good Hope*, or from any Vice-Admiralty Court on this Side of the *Cape of Good Hope* or *Cape Horn*, and within Twelve Months if the Appeal be from any Vice-Admiralty Court beyond the *Cape of Good Hope* or *Cape Horn*, from the Date of such Sentence or Interlocutory Decree as aforesaid, otherwise the Appeal shall be null and void to all Intents and Purposes: Provided nevertheless, that the said Judicial Committee may, upon sufficient Cause shown, allow the Inhibition to be extracted and the Appeal to be prosecuted after the Expiration of the aforesaid respective Periods.

Prize Goods and Merchandise to be liable to Duties.

XXXVIII. Nothing herein contained shall be taken to exempt any Goods or Merchandise condemned as Prize and sold under the Provisions of this Act from the Payment of any Duties to which they would otherwise be subject upon Importation: Provided nevertheless, that if any such Goods or Merchandise brought into this Kingdom be unfit for the Markets thereof, the Commissioners of Her Majesty's Treasury may remit the whole or any Part of such Duties, upon Proof that the said Goods or Merchandise are unfit for the Markets of this Kingdom, or that the Proceeds of such Sale, after Payment of Duties, will be insufficient to satisfy the just and reasonable Claims thereon, in either of which Cases such Goods or Merchandise shall be exported or destroyed under the Direction of the Commissioners of Customs: Provided always, that whenever any such Goods or Merchandise shall be brought into the United King-

dom the Master or other Person in charge or command of the Vessel in which the same are brought shall on Arrival in any Part of the United Kingdom "bring to" at the Stations appointed by the Commissioners of Her Majesty's Customs for the boarding of Ships by the Officers of Customs, and shall on the Arrival of the Ship at her Place of Mooring in such Port forthwith give Notice to the Collector or Controller of such Port, who shall thereupon place any Officer or Officers on board such Ship in charge or command of the Goods until the same are duly lodged in some approved Warehouse for Security of the Duties due thereon, or until such Goods are otherwise legally disposed of or discharged out of the Custody of the Customs.

Deserters not entitled to Bounty, &c.

XXXIX. No Person or Persons belonging to any of Her Majesty's Ships or Vessels of War, or to any Merchant Ship employed in Her Majesty's Service, who shall run away or withdraw himself or themselves from the Ship or Vessel by which any Prize or Prizes shall be taken from any of Her Majesty's Enemies, or shall otherwise desert or withdraw himself or themselves from Her Majesty's Service before or after Notification, as by Law directed, shall be given of the Day appointed for the Payment of the several Shares to the Captors of th said Prize or Prizes, or who shall be marked in the Books of any Ship or Vessel in the Service of Her Majesty as having run therefrom, shall have or be entitled to have or claim any Interest or Benefit from the said Share or Shares of the said Prize or Prizes, or of the Bounty Money herein-before mentioned or any Part thereof that shall then remain unpaid, but such Shares, as well as all other Shares which shall not be legally demanded within Six Years after the same shall have been duly notified, shall, at the Discretion of the Lords of the Admiralty, be paid into the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided nevertheless, that with respect to such forfeited or unclaimed Shares the Commissioners of Her Majesty's Treasury may, upon the Recommendation of the Lords of the Admiralty, and upon sufficient Cause being shown, make an Order for the Repayment thereof out of the Consolidated Fund to the Parties entitled thereto, or the Lords of the Admiralty may remit or pay the same to such Parties out of any Monies then remaining at the Credit of the Naval Prize Account.

Penalty on Masters of Merchant Vessels under Convoy for disobeying Signals or Orders or deserting Convoy.

XL. If the Master or other Person having the Command of any Merchant Ship or Vessel under Convoy shall wilfully disobey any Signals or Instructions or any other lawful Commands of the Commander of the Convoy, or shall desert such Convoy without Notice given and Leave obtained for that Purpose, he shall be liable to be articled for such Offence in the High Court of Admiralty of *England* at the Suit of the Queen in Her Office of Admiralty, and upon Conviction

viction thereof shall be fined, at the Discretion of the said Court, in any Sum not exceeding Five hundred Pounds, and shall suffer such Imprisonment, not exceeding One Year, as the said Court shall adjudge.

XLI. If any Ship, Vessel, Goods, or Merchandise be taken, by Collusion or Connivance with the Enemy, by any Officer commanding any of Her Majesty's Ships or Vessels of War, the said Ship, Vessel, Goods, and Merchandise may be declared and adjudged by the Court of Admiralty to be good Prize to Her Majesty, and shall remain at the Disposal of Her Majesty, and the Officer so offending may be articled in the High Court of Admiralty of *England* at the Suit of Her Majesty in Her Office of Admiralty, and upon Conviction shall forfeit a Sum not exceeding One thousand Pounds, one Moiety thereof to the Use of Her Majesty, and the other Moiety to the Use of the Person who shall sue for the said Penalty.

Penalty on collusive Captures.

XLII. It shall not be lawful for any of Her Majesty's Subjects to ransom or to enter into any Contract or Agreement for ransoming any Ship, Vessel, Goods, or Merchandise belonging to any of Her Majesty's Subjects which shall be captured by any of Her Majesty's Enemies; and all Contracts and Agreements which shall be entered into, and all Bills, Notes, and other Securities, which shall be given by any Person for Ransom of any Ship, Vessel, Goods, or Merchandise, contrary to the Provisions of this Act, shall be absolutely null and void.

No Ships or Goods belonging to Her Majesty's Subjects to be ransomed.

Contracts for Ransom to be void.

XLIII. Any Person who shall ransom or enter into any Contract or Agreement for ransoming any Ship, Vessel, Goods, or Merchandise contrary to the Provisions of this Act, shall for every such Offence be liable to be articled in the High Court of Admiralty of *England* at the Suit of the Queen in Her Office of Admiralty, and upon Conviction thereof shall incur a Penalty not exceeding Five hundred Pounds, to be imposed by the Judge of the said Court, unless it shall appear that the Circumstances of the Case were such as to justify the said ransoming or Contract or Agreement for the same.

Penalty on Persons ransoming.

XLIV. Any Commander of any of Her Majesty's Ships or Vessels of War who shall agree with any Person whomsoever for the ransoming of any Ship, Vessel, Goods, or Merchandise, or any Part thereof, after the same shall have been taken as Prize, and shall, in pursuance of such Agreement, or otherwise by Collusion, actually quit, set at liberty, restore, or discharge any such Ship, Vessel, Goods, or Merchandise, or any Part thereof, shall for every such Offence be liable to be articled in the High Court of Admiralty of *England* at the

Penalty on Commanders ransoming or collusively restoring Ships or Goods taken as Prize.

the Suit of Her Majesty in Her Office of Admiralty, and upon Conviction thereof shall forfeit and suffer such Penalty or Fine as the said Court shall adjudge, unless it shall appear to such Court that the Circumstances of the Case were such as to have justified the same.

Penalties for breaking Bulk and Embezzlement.

XLV. If any Person belonging to any of Her Majesty's Ships or Vessels of War shall break Bulk on board of any Prize, with a view to embezzle any Money, Jewels, Plate, Goods, Merchandise, Tackle, Furniture, or Apparel of or belonging thereto, such Person shall be liable to be articled for every such Offence before the High Court of Admiralty of *England* at the Suit of Her Majesty in Her Office of Admiralty, and upon Conviction thereof shall forfeit to Her Majesty his whole Share in such Prize, as also treble the Value of all such Money, Jewels, Plate, Goods, Merchandise, Tackle, Furniture, or Apparel, unless it shall appear to the Court that the Circumstances of the Case were such as to have rendered the Appropriation thereof necessary.

Penalty for Breach of Instructions relating to Prizes or Offences against the Law of Nations.

XLVI. The Court of Admiralty may, upon due Proof of the Breach of any of Her Majesty's Instructions relating to Prizes, or of any Offence against the Law of Nations, committed by the Captor in relation to any Ship, Vessel, Goods, or Merchandise captured as Prize, or to the Persons taken on board the same, condemn such Prize to Her Majesty's Use and Disposal.

Offences committed on board armed Ships of War in Her Majesty's Service to be tried and punished as Offences committed in Her Majesty's Fleet.

Offenders to be confined, &c.

Court-martial to be called.

XLVII. Any Offence committed by any of the Officers and Crew serving on board of or belonging to any hired armed Ship or Vessel in Her Majesty's Service shall be tried and punished in such Manner as the like Offences are tried and punished when committed by any Person serving on board of or belonging to Her Majesty's Fleet; and all such Offenders who are to be tried by a Court-martial shall be placed under all necessary Restraint on board the Ship or Vessel in which such Offence shall be committed until they can be so tried by a Court-martial; and upon Application made to the Lords of the Admiralty, or to the Commander-in-Chief, or Senior Officer of Her Majesty's Ships or Vessels of War abroad, authorized to assemble and hold Courts-martial, the said Lords of the Admiralty, or such Commander-in-Chief or Senior Officer respectively, may and are hereby required to assemble and hold a Court-martial for the Trial and Punishment of such Offenders; and the Officer commanding every such hired armed Ship or Vessel shall have the same Power in respect of the other Officers and Crew on board the same as Officers commanding Her Majesty's Ships or Vessels of War have over the Officers and Crews of such Ships and Vessels; and the Naval Commander-in-Chief and senior Naval Officers in Her Majesty's Service shall have and

and exercise the same Powers over the Officers and Crews of such hired armed Ships and Vessels as they have or may exercise over the Officers and Crews belonging to Her Majesty's Ships and Vessels of War.

XLVIII. It shall be lawful for Her Majesty, by Order in Council, to assign to the Judge of any Court which may be duly commissioned to take cognizance of Matters of Prize, such Salary not exceeding Five hundred Pounds as to Her Majesty may seem meet, and such Salaries shall be paid out of Monies to be voted by Parliament for that Purpose, at such Times and in such Manner and subject to such Regulations, as Her Majesty by Her said Order in Council may be pleased to direct; provided that no such Judge shall be entitled to any further Emolument arising from Fees or otherwise, in respect of any Prize Business transacted in such Court, but an Account of such Fees shall be kept by the Registrar of such Court, and be at the Disposal of the Commissioners of the Treasury.

Her Majesty may grant Salaries to Judges of Vice Admiralty Courts to act as Judges in Prize Causes.

XLIX. Her Majesty may give and grant to any Judge of any Vice-Admiralty Court in Matters of Prize an Annuity or Pension for the Term of his natural Life, in accordance with the Regulations and Provisions of the Fourth and Fifth *William* the Fourth, Chapter Twenty-four.

Her Majesty may allow such Judges a retiring Pension.

L. No Registrar, Deputy or Assistant Registrar, nor any Marshal or Deputy Marshal of or belonging to any Court of Admiralty, or the Court of Appeal therefrom, shall either directly or indirectly act or be in any Manner concerned, either as Advocate, Proctor, or Agent, in any Cause, Matter, or Business whatsoever depending in the Court of which he shall then be the Registrar, Deputy or Assistant Registrar, Marshal or Deputy Marshal respectively; and every Registrar, Deputy or Assistant Registrar, Marshal or Deputy Marshal, who shall be proved to the Satisfaction of such Court, after having been heard in his Defence, to have been guilty of such Offence, shall be dismissed from such Office or Employment.

No Registrar or other Officer of any Court of Admiralty to act as Advocate or Proctor.

LI. No Proctor or other Person practising as a Proctor in the Court of Admiralty or in the Court of Appeal therefrom, being employed by One of the Parties in the Cause, shall be concerned, by himself or his Partner, or by any other Person, directly or indirectly, by or on behalf of the adverse Party in such Cause; and every such Proctor or other Person so offending shall, upon Conviction, forfeit to Her Majesty the Sum of Five hundred Pounds, and be thenceforth disqualified and rendered incapable of practising as a Proctor or otherwise in any Court of Admiralty, or before the Judicial Committee of the Privy Council.

Proctors to be concerned only for One Party in a Cause.

Power for the Judge to make Rules of Court.

LII. It shall be lawful for the Judge of the Court of Admiralty from Time to Time to make and submit to Her Majesty in Council such Rules, Orders, and Regulations respecting the Practice and Mode of Proceeding of the said Court; and the Conduct and Duties of the Officers and Practitioners therein in all Matters relating to Prize, as to him shall seem fit, and such Rules, Orders, and Regulations, if approved by Her Majesty in Council, shall take effect and shall remain in force until the same are altered or repealed in like Manner.

Table of Fees to be hung up in Vice-Admiralty Courts.

LIII. Her Majesty may by Order in Council authorize Tables of Fees to be prepared for the several Courts of Admiralty throughout Her Dominions, and for the Practitioners therein, and One of such Tables shall be suspended in some conspicuous Place of the Court for which the same has been prepared, and no Judge or Surrogate, Registrar or Deputy Registrar, Marshal or Deputy Marshal, or any other Officer whatever belonging to any such Court, or any Practitioner in any such Court, shall, either directly or indirectly, receive or take, or be allowed for the Subject to which the Fee relates, any Fee beyond those specified in the said Table: Provided always, that Her Majesty may by Her Order in Council from Time to Time vary, alter, or repeal such Tables of Fees as to Her Majesty shall seem meet.

Punishment of Persons guilty of Perjury.

LIV. Any Person who shall wilfully and corruptly swear, declare, or affirm falsely in any Action, Suit, or other Proceeding under the Provisions of this Act, or in respect to any Matter required to be verified on Oath by this Act, or shall suborn any other Person so to do, shall be deemed guilty of Perjury or of Subornation of Perjury, as the Case may be, and shall be liable to be prosecuted and punished accordingly.

Recovery of Penalties and Forfeitures.

LV. All Penalties and Forfeitures imposed by this Act, wherever the same shall arise and become forfeited, may be recovered in like Manner as any Debt due to Her Majesty in any of Her Majesty's Superior Courts of Record at *Westminster*, or by Monition and Attachment in the High Court of Admiralty of *England*, unless in Cases where any other Mode is by this Act particularly directed; and all such Penalties and Forfeitures which shall arise or become forfeited in any Part of Her Majesty's Dominions abroad may be recovered in any Court of Record of Her Majesty in the Colony, Territory, or Place where the same shall arise or have become forfeited, or in any of Her Majesty's Vice-Admiralty Courts having Jurisdiction there.

LVI. No

LVI. No Action shall be brought against any Person or Persons whomsoever for any Matter or Thing whatever done or committed under or by virtue or in the Execution of this Act unless such Action shall be brought within Two Years next after the doing or committing of such Matter or Thing, nor, unless Notice of Action shall have been given, One Calendar Month at least before the Commencement of the same, which Notice shall specify the Cause of the said Action; and if the Plaintiff or Plaintiffs shall be nonsuited, or suffer Discontinuance, or forbear further Prosecution, or if Judgment shall be given for the Defendant or Defendants, such Defendant or Defendants shall recover his Costs to be taxed as between Attorney and Client. **Limitation of Actions.**

LVII. This Act shall continue in force during the present War, and no longer, save and except as to all such Matters and Things as shal then be depending in Judgment in the Court of Admiralty, or before the Judicial Committee of the Privy Council, or in any Court of Record within Her Majesty's Dominions, at the Time when the present War shall cease, and also save and except as to the carrying out and finally disposing of all such other Matters or Things as shall arise out of the present War in reference to the Provisions of this Act; and also save and except as to all Offences which may have been committed against, and all Penalties and Forfeitures which may have been incurred under the Provisions of this Act, in respect whereof Proceedings shall and may be taken as if this Act still continued in force. **Continuance of Act.**

LVIII. Nothing in this Act shall extend or be deemed or construed to extend to any Seizure of Ships, Vessels, Goods, or Merchandise made by any Officer of Customs or Excise for any Breach of the Laws or Regulations relating to the Customs or to Trade or Navigation. **Not to extend to Seizures made by Officers of Customs or Excise.**

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thousand eight hundred and fifty-four, Her Majesty was graciously pleased to order and direct that the net Proceeds of all Captures which should be made during the present War with *Russia* by any of Her Ships or Vessels of War should be for the entire Benefit of the Officers and Crews of such Ships and Vessels of War as might have effected such Capture, after the same should have been finally adjudged to Her Majesty as lawful Prize: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. This Act may for all Purposes be cited as "The Naval Pay and Prize Act, 1854."

Commencement of Act.

II. This Act shall come into operation on the First Day of *June* One thousand eight hundred and fifty-four.

Interpretation of certain Terms in this Act.

III. In the Construction of this Act the following Terms shall have the respective Meanings herein-after assigned to them (if not inconsistent with the Context or Subject Matter); that is to say,

"Her Majesty:"

"Her Majesty" shall include Her Majesty, Her Heirs and Successors:

"Lords of the Admiralty:"

"Lords of the Admiralty" shall include the Lord High Admiral and also the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being:

"Court of Admiralty:"

"Court of Admiralty" shall include the High Court of Admiralty of *England*, and any Admiralty, Vice-Admiralty, or other Court within Her Majesty's Dominions, which shall be duly authorized to take cognizance of and judicially to proceed in Matters of Prize:

"Vice-Admiralty Courts:"

"Vice-Admiralty Courts" shall include all such Courts other than the High Court of Admiralty of *England*:

"Judge:"

"Judge" shall include any Judge, Deputy Judge, Surrogate, or other Person duly appointed to act as the Judge in any Court of Admiralty:

"Ship and Vessel:"

"Ship and Vessel" shall include all and all Manner of Ships, Vessels, and Boats:

"Her Majesty's Ships and Vessels of War:"

"Her Majesty's Ships and Vessels of War" shall include all Ships and Vessels belonging to Her Majesty, as also any hired armed Ships or Vessels in Her Majesty's Service:

"Officers

"Officers and Crew" shall include all Flag and other Officers, Engineers, Seamen, Marines, Soldiers, and others on board any of Her Majesty's Ships or Vessels of War. "Officers and Crew."

"Government Accountant" shall include any Officer in charge of public Money, whether belonging to the Commissariat, Customs, or any other Department, who may have been, or may be, hereafter appointed by the Lords of the Treasury or Admiralty. Government Accountant.

IV. Whenever any Ship, Vessel, Goods, or Merchandise has been condemned in any Court of Admiralty, or other Court having competent Jurisdiction, whether as Prize of War, or in pursuance of any Act of Parliament relating to the Revenues of Customs and to Trade and Navigation, or to the Abolition of the Slave Trade, or to the Capture and Destruction of Pirates and piratical Vessels, or on any other Grounds, and the Proceeds arising therefrom have thereby or by Her Majesty's Proclamations become payable and distributable to and amongst the Officers and Crews of any of Her Majesty's Ships and Vessels of War, the Judge of the Court of Admiralty or other Court by which the Decree or Interlocutory Sentence shall have been pronounced shall forthwith direct the said Ship, Vessel, Goods, or Merchandise to be appraised by competent Persons sworn to appraise the same, according to the best of their Skill and Knowledge, and shall direct the same to be sold by the Marshal or other Officer of such Court, or by Persons to be appointed by the Court for that Purpose; and the Proceeds arising therefrom, or if the said Ship, Vessel, Goods, or Merchandise shall have been released on Bail, then the appraised or agreed Value thereof shall be paid to the Account of Her Majesty's Paymaster General at the Bank of *England* on account of Naval Prize, or into the Hands of some Government Accountant within Her Majesty's Dominions. Proceeds of any Prize to be paid to the Naval Prize Account.

V. All Bounties, whether for the Capture or Destruction of Enemies or Enemies' Ships or Vessels in Time of War, or for Captures or Seizures made under the Provisions of the several Acts of Parliament passed relating to the Revenues of Customs and to Trade and Navigation, or to the Abolition of the Slave Trade, or for the Capture and Destruction of Pirates and piratical Vessels, and all Awards for Salvage or other Services, whether the same shall have been by the Decree of a competent Court or by Agreement, and which shall be payable and distributable to and amongst the Officers and Crews of any of Her Majesty's Ships and Vessels of War, shall be forthwith paid to the Account of Her Majesty's Paymaster General at the Bank Bounties and Salvage to be paid to the Naval Prize Account.

Bank of *England* on account of Naval Prize, or into the Hands of some Government Accountant within Her Majesty's Dominions, in order that the same may be transferred to the said Account.

As to the Distribution of Proceeds, Bounty, Salvage, &c.

VI. Whenever the Proceeds of any Ship, Vessel, Goods, or Merchandise, or any Bounty, Salvage, or other Award as aforesaid, shall have been paid into the Account of Her Majesty's Paymaster General at the Bank of *England* on account of Naval Prize, or into the Hands of some Government Accountant within Her Majesty's Dominions, the High Court of Admiralty of *England* or the Court which may have condemned the said Prize, or awarded the said Bounty, Salvage, or other Monies, may direct the Payment thereout of all Costs, Charges, and Expenses which may be chargeable against the same, or which may have been incurred by the Captor, his Attorney, or Agent, after such Costs, Charges, and Expenses shall have been taxed or allowed by the Registrar of such Court or his Deputy; and the Balance of such Prize, Bounty, Salvage, and other Monies shall thereupon, and after the Time for appealing shall have expired, forthwith be distributed by the Lords of the Admiralty to and amongst the Persons entitled thereto, after the same shall have been notified in the *London Gazette*.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

VII. The Lords of the Admiralty, or any Party claiming any Interest in the Proceeds of any Prize, or in any Bounty, Salvage, or other Monies payable and distributable under the Provisions of this Act, may, prior to the Distribution thereof, resort to the High Court of Admiralty of *England* for the Purpose of obtaining the Judgment of the said Court in that Behalf, and the Judge of the said Court shall proceed to hear and determine the same, as also any Question of joint Capture which may arise thereon; and such Court shall have and exercise full Power, Authority, and Jurisdiction throughout Her Majesty's Dominions, and may enforce any Decree or Sentence of any Vice-Admiralty Court; and all Vice-Admiralty Courts within Her Majesty's Dominions are hereby empowered, directed, and required to enforce upon all Persons within their respective Jurisdictions all Orders whatsoever of the High Court of Admiralty of *England* relating to any Matter arising under the Provisions of this Act.

High Court of Admiralty of England may compel Production of Proceeds, &c.

VIII. The Judge of the High Court of Admiralty of *England* may, on the Application of the Lords of the Admiralty, or any Persons interested in the Proceeds of any Prize, or in any Bounty, Salvage, or other Monies, and on an Affidavit that the Proceeds of any Prize or of any Bounty, Salvage or other Monies payable and distributable under the Provisions of this Act, or any Papers or Books

Books relating thereto, are in the Possession of any Person, compel by Process of the Court, and by Monition and Attachment, the Production thereof, and the paying and transferring of such Proceeds into the Naval Prize Account as aforesaid, and the answering to such Interrogatories touching the same as the Court may approve, and may make such Order in the Premises touching and concerning the same, and the Costs of such Proceedings, as to it shall seem meet.

Penalty of One Pound per Cent. per Month on retaining Proceeds contrary to this Act.

IX. Any Captor, or other Person who shall acquire or retain the Proceeds of any Prize, Bounty, Salvage, or other Monies contrary to the Provisions of this Act, except for reasonable Cause to be allowed by the Court of Admiralty, shall pay Interest thereon at the Rate of One Pound *per Centum per* Month for such Time as the same shall so be in his Custody or Possession, and such Interest shall be deemed to be Part of such Proceeds, and be paid and applied accordingly.

Power to allow in Paymaster General's Accounts certain Sums without the Production of Vouchers in detail.

X. Whereas Her Majesty's Paymaster General is required to make up, and transmit to the Commissioners for auditing the Public Accounts, Accounts of the Receipts and Expenditure within his Department: And whereas numerous Payments are made by Her Majesty's Paymaster General by way of Imprest and upon Account, under the Authority of Orders drawn upon him by the Heads of Departments in favour of Accountants and other Persons, who subsequently account to such Department for the detailed Application of such respective Advances: And whereas numerous other Payments are made by Her Majesty's Paymaster General upon Orders in like Manner issued, the Vouchers for which are examined by the Department from which such Orders are severally issued, and many of which Vouchers are necessarily retained by such Department: And whereas it is expedient that the Commissioners for auditing the Public Accounts should be empowered to allow and pass Payments in the Accounts of Her Majesty's Paymaster General in manner hereafter provided: Be it enacted, That the Commissioners for auditing the Public Accounts may allow and pass as final Payments in the Accounts of Her Majesty's Paymaster General all such Sums paid and charged by him in his Accounts, on Production to them of the Warrants, Bills, Orders, or other usual Authorities in respect of which such Payments have been made, with the Acquittances or Endorsements of the Parties to whom such Orders are made payable, whether the same be stamped or not, without requiring the Production of any subordinate or other Voucher in support of any such Warrant, Bill, Order, or other Authority.

Power to allow in Paymaster General's Accounts Sums paid on Certificate.

XI. And whereas certain other Payments are made by Her Majesty's Paymaster General upon Orders signed by the Heads of Departments, and which are vouched by Persons present and witnessing the same, but no Receipts are given by the Parties to whom such Payments are respectively made: Be it enacted, That the Commissioners for auditing the Public Accounts may allow and pass in the Accounts of Her Majesty's Paymaster General all such Payments vouched or certified by Persons present and witnessing such respective Payments, without requiring the Receipts of the several Parties to be produced.

Power to allow in Paymaster General's Account Sums paid under Certificates of Heads of Departments.

XII. And whereas there are certain other Cases where it has not been found practicable to produce to the Commissioners for auditing the Public Accounts any Certificates from Persons present and witnessing Payments, or the Receipts of the Parties to whom such Payments were respectively made, although such Certificates or Receipts have been produced to the Head of the Department: Now be it enacted, That the said Commissioners for auditing the Public Accounts may allow and pass in the Accounts of Her Majesty's Paymaster General all Payments not supported by such Certificates or Receipts, on the Production to them of Returns or Statements signed by the Head of the Department.

Lords of the Admiralty may by Order in Council alter the Mode of paying the Navy, and distributing Prize Money, &c.

XIII. The Lords of the Admiralty may from Time to Time make such Rules, Orders, and Regulations as may to them appear expedient for facilitating the paying of the Navy, and for distributing the Proceeds of any Prize, or any Bounty, Salvage, or other Monies, as aforesaid, and for keeping the Accounts and Expenses in relation thereto, notwithstanding any Provisions to the contrary contained in the Act of the Eleventh *George* the Fourth, Chapter Twenty, and Fifty-fourth *George* the Third, Chapter Ninety-three, or in any other Act whatsoever; provided always, that such Rules, Orders, and Regulations are not inconsistent with the aforesaid Proclamations, or with any future Proclamation which Her Majesty may see fit to issue in that Behalf, and that the same shall not have any Force or Effect until they have been previously approved by Her Majesty in Council; and such Orders in Council shall be presented to Parliament within Fourteen Days after the Date thereof, or if Parliament be not then sitting, within Fourteen Days next after the meeting of Parliament; and an Account showing all the Receipts and Expenditure on account of Naval Prize to the Thirty-first Day of *March* in each Year, signed by the Accountant General of Her Majesty's Navy, shall be annually laid before Parliament.

XIV. Pro-

XIV. Provided, that nothing in this Act contained shall extend or be construed to extend to any Seizure of Ships, Vessels, Goods, or Merchandise made by any Officer or Officers of Customs, or of Inland Revenue or Excise, for any Breach of the Laws or Regulations relating to the Customs, Inland Revenue, or Excise, or to Trade and Navigation.

Act not to extend to Seizures made by Officers of Customs, &c.

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Justice of the Peace acting within the said Townships, and to enable the Constables of Manchester *and* Salford *to take Recognizances in certain Cases*, it was provided, that the Justice to be appointed under the Provisions thereof should reside within One Mile of the Exchange in the Town of *Manchester*, or of the *New Bailey* Court House in the Town of *Salford*, and should daily (*Sundays* excepted) attend at the *New Bailey* Court House in *Salford*; and it was thereby also provided, that the said Township of *Manchester* should contribute Seven Eighth Parts and the Township of *Salford* One Eighth Part of the Salary payable to such Justice, which Salary was by the said Act fixed at One thousand Pounds *per Annum*: And whereas since the passing of the said Act Her present Majesty has granted a Charter of Municipal Incorporation to the said Township of *Manchester*, and the adjoining Townships of *Chorlton-upon-Medlock*, *Hulme*, *Ardwick*, and *Cheetham*, and the Extra-parochial District of *Beswick*, incorporating the same by the Name of the Borough of *Manchester*, and has by a subsequent Charter ordained that the Style of the said incorporated Borough should thenceforth be the City of *Manchester*, instead of the Borough of *Manchester*: And whereas a separate Commission of the Peace and a separate Court of Quarter Sessions have respectively been granted to and for the said City of *Manchester*, and a salaried Police Magistrate has been appointed for the same City; and by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act of the Fifty-third Year of King* George *the Third, for the Appointment of a Stipendiary Magistrate to act within the Townships of* Manchester *and* Salford, all the Powers and Provisions of the said recited Act of the Fifty-third Year of King *George* the Third, so far as they authorized or required the Payment by the said Township of *Manchester* of any Part of the Salary payable to the Police Magistrate thereunder appointed, or which authorized the making or levying of any Rate within the said Township of *Manchester* for the Purpose of raising such Salary or any Part thereof, and also any Provisions which directed, authorized, or required the Payment to the said Township of *Manchester*, or to any Person or Persons on behalf of such Township, of any Part or Portion of the Recognizances taken and estreated in the said County Palatine of *Lancaster*, have been repealed: And whereas since the passing of the said Act of the Fifty-third Year of *George* the Third Her present Majesty has granted a Charter of Municipal Incorporation to the said Township of *Salford* and Part of the adjoining Township of *Broughton*, which lies on the South Side of the River *Irwell*, and which Charter was confirmed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to confirm the Incorporation of certain Boroughs*: And whereas by an Act passed in the Sixteenth

7 & 8 Vict. c. 30.

11 & 12 Vict. c. 93.

teenth Year of the Reign of Her present Majesty, intituled *An Act for the Extension of the Boundaries of the Municipal Borough of* Salford, *and otherwise improving the said Borough, and for other Purposes*, the Township of *Pendleton*, the remaining Portion of the Township of *Broughton* theretofore not included within the Limits of the said Municipal Borough of *Salford*, and that Portion of the Township of *Pendlebury* which is comprised within the Parliamentary Borough of *Salford*, were incorporated, and included within the Limits of the said Municipal Borough of *Salford*, subject, however, to a Proviso that the said Act should not take effect until One Third in Number of the Inhabitant Householders of the *Broughton* District rated in the then last Assessment to the Poor's Rate for the Township of *Broughton* in an Amount exceeding One Half of the entire Amount of the said Rate on the Inhabitant Householders within the *Broughton* District should have signified under their Hands their Assent to the Incorporation of the *Broughton* District with the Municipal Borough of *Salford;* and it was also provided and declared by the said Act, that a Certificate under the Hands of Two Justices acting in and for the County Palatine of *Lancaster*, not being Burgesses of the then existing Borough, certifying that such Assent had been obtained, should be sufficient Evidence thereof: And whereas since the passing of the last-mentioned Act a Certificate has been duly given under the Hands of *Charles James Stanley Walker* and *James Kershaw*, Esquires, being such Justices as by the said Act in that Behalf is required, certifying that such Assent as aforesaid had been obtained: And whereas by an Act, herein after called the fourth-recited Act, passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Fifty-third Year of* George *the Third, for appointing a Stipendiary Magistrate for the Townships of* Manchester *and* Salford, *and to provide a Stipendiary Magistrate for the Division of* Manchester, Provisions were made for the Payment of a Salary to the Justice appointed under the herein-before first-recited Act, by Contributions payable by the Borough of *Salford*, and the other Townships and Places composing the Division of *Manchester*, and for the Appointment and Payment of Clerks to the said Justice and the other Justices, and for regulating the Place of Residence and the Times and Places for holding the Sittings of the said Justice: And whereas the several Townships or Places of *Worsley*, *Barton-upon-Irwell*, *Clifton*, *Pendlebury*, *Pendleton*, *Flixton*, *Urmston*, *Blakeley*, *Bradford*, *Broughton*, *Chorlton-cum-Hardy*, *Crumpsall*, *Didsbury*, *Failsworth*, *Gorton*, *Harpurhey*, *Levenshulme*, *Moss Side*, *Moston*, *Newton*, *Openshaw*, *Reddish*, *Rusholme*, *Salford*, *Stretford*, *Withington*, *Great Heaton*, *Little Heaton*, *Prestwich*, and *Heaton Norris*, now compose the Division of *Manchester:* And whereas *Henry Leigh Trafford*, Esquire, at the Time of the passing of this Act is the Stipendiary Justice appointed

16 Vict. c. xxxii.

8 & 9 Vict. c. 21.

appointed under the first and fourth recited Acts: And whereas it is expedient that Alterations should be made in the Times and Places of the holding of the Sittings of the said Stipendiary Justice, and in the Amount of Remuneration to be paid to him and to the Clerks to the said Stipendiary Justice and the Justices for the said Borough of *Salford*, and also that Alterations should be made touching the Appointment, Functions, and Duties of the said Stipendiary Justice, and that the said first and fourth recited Acts should be repealed; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title of Act.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression, "The *Manchester* Division Stipendiary Justice Act, 1851."

Interpretation Clause.

II. That in this Act, and in any Act or Part or Parts of an Act incorporated herewith, and in all Appointments, Warrants, Orders, Convictions, Recognizances, Commitments, Judgments, Certificates, Allowances, and other Documents whatsoever made under the Provisions of this Act, the Words, Expressions, and Phrases respectively following shall be construed to have the Meanings hereby expressly assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Stipendiary Justice."

"Stipendiary Justice" shall mean the Stipendiary Justice appointed or any Stipendiary Justice hereafter to be appointed under the Provisions of this Act:

"Borough Business."

"Borough Business" shall mean all Business, Offences, Matters, and Things within the Cognizance of a Justice or Justices of the Peace arising or happening within the Limits of the Municipal Borough of *Salford*, which said Borough comprises the Townships of *Salford*, *Broughton*, and *Pendleton*, and a Portion of the Township of *Pendlebury* as defined by the herein-before recited Act of the Sixteenth Year of the Reign of Her present Majesty:

"Divisional Business."

"Divisional Business" shall mean all Business, Offences, Matters, and Things within the Cognizance of a Justice or Justices of the Peace arising or happening within the said Division of *Manchester* elsewhere than within the Limits of the Municipal Borough of *Salford*:

"Clerk for Borough Business."

"Clerk for Borough Business" shall mean a Clerk or Clerks to the Stipendiary Justice and all other Justices having Jurisdiction for the Transaction of Borough Business:

"Clerk

"Clerk for Divisional Business" shall mean a Clerk or Clerks to the Stipendiary Justice for the Transaction of Divisional Business, except such as shall be done at any Sittings holden within the Townships or Places of *Worsley* or *Heaton Norris:* "Clerk for Divisional Business."

"Justices of the Division" shall mean Justices of the Peace of and for the County of *Lancaster* acting for the Division of *Manchester* in the said County of *Lancaster:* "Justices of the Division."

"Division of *Manchester*" shall mean the Townships and Places of *Worsley*, *Barton-upon-Irwell*, *Clifton*, that Part of *Pendlebury* which is not within the Municipal Borough of *Salford*, *Flixton*, *Urmston*, *Blakeley*, *Bradford*, *Burnage*, *Chorlton-cum-Hardy*, *Crumpsall*, *Didsbury*, *Failsworth*, *Gorton*, *Harpurhey*, *Levenshulme*, *Moss Side*, *Moston*, *Newton*, *Openshaw*, *Reddish*, *Rusholme*, *Stretford*, *Withington*, *Great Heaton*, *Little Heaton*, *Prestwich*, and *Heaton Norris:* "Division of Manchester."

"Borough Justices" shall mean Justices of the Peace of and for the Municipal Borough of *Salford:* "Borough Justices."

"Out-District Clerks" shall mean Clerks to the Justices of the Peace for the County of *Lancaster* sitting at the Townships or Places of *Worsley* and *Heaton Norris.* "Out-District Clerks."

III. The herein-before first-recited Act of the Fifty-third Year of the Reign of King *George* the Third, Chapter Seventy-two, and the herein-before fourth-recited Act of the Eighth Year of the Reign of Her present Majesty, shall be and the same respectively are hereby repealed. 53 G. 3. c. 72. and 8 Vict. c. 21. repealed.

IV. It shall be lawful for Her Majesty, Her Heirs and Successors, in right of Her Duchy and County Palatine of *Lancaster*, from Time to Time as Occasion may require, by and with the Advice of Her Chancellor and Council of the said Duchy for the Time being, to appoint One fit and able Person, who shall be of the Degree of a Barrister-at-Law, and of Four Years standing at the least, being a Justice of the Peace for the said County, to be a Stipendiary Justice, who shall execute the Office of a Justice of the Peace within the Division of *Manchester*, either by himself or together with such other Justice or Justices of the Peace for the said County Palatine as may think proper to attend, and also within the Borough of *Salford*, and who shall be therefore entitled to such Salary as is herein-after in that Behalf provided. Her Majesty, in right of Her Duchy of Lancaster, to appoint a Barrister as Stipendiary Justice.

V. The Justice continued or appointed under the Provisions of this Act shall be called the Stipendiary Justice for the Division of *Manchester* and the Borough of *Salford.* Style of Stipendiary Justice.

Salford Borough and Manchester Division.

Present Stipendiary Justice and Clerks to continue in Office.

VI. The Stipendiary Justice appointed and now acting under the Provisions of the first and fourth recited Acts, and the Clerk or Clerks to and other Officers and Servants of such Stipendiary Justice and other Justices of the said Division, and for Borough Business, appointed under and by virtue of the said fourth-recited Act, shall, notwithstanding the Alterations hereby made in the Constitution and Duties of the said respective Offices continue and be the Stipendiary Justice, Clerk and Clerks, and Officers and Servants respectively under this Act, according to the Nature and Tenure of their Appointments and Employments respectively, and they shall respectively be accountable in the same Manner as if at the Time of their respective Appointments and Employments this Act had passed.

Stipendiary Justice not incapacitated for Want of Property Qualification.

VII. It shall be lawful for the Stipendiary Justice, during his Residence within the Limits herein-after prescribed, and whilst he continues to hold the said Office of Stipendiary Justice, to execute the Office of a Justice of the Peace for the County of *Lancaster*, although such Stipendiary Justice may not be possessed or entitled in Law or Equity to an Estate or Interest in Lands, Tenements, or Hereditaments in *England* or *Wales* of the clear annual Value of One hundred Pounds, anything contained in any Act or Acts of Parliament to the contrary notwithstanding, provided that such Person be not disqualified by Law to act as a Justice of the Peace for any other Cause or upon any other Account than in respect of the Want of such Estate or Interest as aforesaid.

Stipendiary Justice not to sit in the House of Commons.

VIII. No Stipendiary Justice shall during his continuing to hold such Appointment be capable of being elected or of sitting as a Member of the House of Commons.

Residence of Stipendiary Justice.

IX. The Stipendiary Justice shall reside at some Place within either of the Municipal Boroughs of *Manchester* and *Salford*, or elsewhere within the Division of *Manchester*.

Stipendiary Justice to sit at Town Hall and New Bailey, Salford, and at Worsley.

X. The Stipendiary Justice shall daily, except on *Sundays*, *Christmas Day*, and *Good Friday*, and such other Days as are herein-after excepted, attend at the *New Bailey* Court House in *Salford* aforesaid for the Transaction and Disposal of Divisional Business, and shall also daily (except on *Sundays*, *Christmas Day*, and *Good Friday*,) attend at the Town Hall in the said Borough of *Salford*, for the Transaction and Disposal of Borough Business, and shall also hold a Sitting on One Day at least in every Fortnight at the Court House at *Worsley*, so long as the said Court House shall be allowed by the Owner thereof to be used for that Purpose.

XI. After

Salford Borough and Manchester Division.

XI. After proper Court Houses and other Accommodations shall have been provided for the Administration of Justice, at the Cost of the Township herein-after mentioned, then the Stipendiary Justice shall hold a Sitting on One Day at least in every Fortnight at or within the said Township of *Heaton Norris*: Provided always, that nothing herein contained shall limit the Right of any other Justices of the County of *Lancaster* to hold Sittings within the said Townships of *Heaton Norris* and *Worsley*, or either of them.

Stipendiary Justice to sit at Heaton Norris.

XII. And whereas it is expedient that Out-District Clerks should be appointed and remunerated: Be it enacted, That it shall be lawful for the Justices of the Division, if they think fit, when and as Occasion may arise, to appoint an Out-District Clerk for each of the Townships of *Worsley* and *Heaton Norris*, with Salaries not exceeding Fifty Pounds a Year for each Clerk, which said Clerks shall respectively attend as well to the Sittings of the Stipendiary Justice as the Sittings of the Justices of the Division acting for the said Townships respectively; and all Fees taken and received at any Sittings, as well of the Stipendiary Justice as of the Justices of the said Division, shall be brought into the Fee Fund herein-after authorized to be raised and maintained, and paid over to the Treasurer thereof, or, if there shall be no such Treasurer, to the Clerk for Divisional Business, as herein provided: Provided always, that for the Appointment or Removal of a Clerk for or from any of the said last-mentioned Places, the same Course of Proceeding shall be observed as is herein directed with respect to the Appointment or Removal, as herein-after mentioned, of the Clerk for Divisional Business.

For Appointment of Out District Clerks.

XIII. It shall be lawful for the Justices of the Division, at any Meeting of such Justices, if they shall think it expedient so to do, from Time to Time to appoint, and from Time to Time to suspend, alter, and discontinue, the holding by the said Stipendiary Justice of any Sitting or Sittings for and at or within any of the Townships or Places which now compose the Division of *Manchester*, except the Townships of *Worsley* and *Heaton Norris*, and the Townships or Parts of Townships comprised within the Municipal Borough of *Salford*, and the Stipendiary Justice shall accordingly from Time to Time attend and hold his Sittings at the Place or Places so from Time to Time appointed.

Provision for holding Sittings of Stipendiary Justice in other Places.

XIV. The Attendance of the Stipendiary Justice at the said *New Bailey* Court House or elsewhere as aforesaid may be supplied by any other Justice of the Peace for the said County Palatine of *Lancaster*, and the Attendance of the Stipendiary Justice at the Town Hall of *Salford* may be supplied by any Justice of the Peace of or for the said Borough of *Salford*, or by any Justice of the Peace of

In Absence of Stipendiary Justice, another Justice may attend.

of or for the said County Palatine of *Lancaster*; and the Stipendiary Justice shall not be required to attend at the *New Bailey* Court House aforesaid on any Day which shall be appointed under the Provisions of this Act for his holding any Sitting at any other of the said Townships or Places within the said Division, except the said Town Hall in *Salford* aforesaid: Provided, that the Number of Days on which the said Stipendiary Justice shall be required to attend or hold Sittings at all or any of the Townships or Places comprised within the Division of *Manchester*, except the *New Bailey* Court House and the Town Hall in *Salford*, shall not exceed Three Days in a Week; provided also, that the Stipendiary Justice shall not, by reason of his being required to attend at any other Place, be exempted from attending at the Town Hall in *Salford*.

Provision for suspending and discontinuing certain Sittings.

XV. The Justices of the Division of *Manchester* shall have the Power, at any Meeting of such Justices, to direct that any Sitting or Sittings of the Stipendiary Justice previously directed to be held elsewhere than at the *New Bailey* Court House or Town Hall in *Salford*, or at the Court House at *Worsley*, or within the said Township of *Heaton Norris*, as herein-before authorized, shall be suspended or discontinued, and the same shall thereupon be suspended or discontinued accordingly.

Justices of the Division and Borough Justices to have concurrent Jurisdiction in Borough Business.

XVI. All Justices of the said Division and all Borough Justices shall have Jurisdiction in all Borough Business; and in all Cases where Borough Business shall require the Concurrence of Two or more Justices, a Justice or Justices for the Division and a Borough Justice or Justices may concur in doing such Business, as effectually, to all Intents and Purposes, as if the same were done by the requisite Number of Justices of the Division, or the requisite Number of Borough Justices.

Certain County Justices to be Borough Justices.

XVII. Every Justice of the Peace of and for the said County of *Lancaster* who, at the Time of the passing of this Act, shall be or at any Time thereafter shall become an Inhabitant and reside within the Limits of the said Municipal Borough of *Salford*, as defined by the said Act of the Sixteenth Year of the Reign of Her present Majesty, or who shall be a Burgess of the same Borough, shall be also a Borough Justice during such Time as such Justice for the said County shall so continue such Inhabitant or Burgess respectively, and shall have all the Powers and Authorities of a Justice of the Borough.

Clerk for Divisional Business and

XVIII. The Justices of the Division and the Stipendiary Justice for the Time being respectively shall at a Meeting of the said Justices

tices from Time to Time appoint a Clerk or Clerks for Divisional Business, and a Clerk or Clerks for Out-Districts, and shall and may, if they shall think fit, at a Meeting of the said Justices remove and displace any Clerk or Clerks for Divisional Business or Out-District Business, and the Borough Justices and the Stipendiary Justice for the Time being respectively shall at a Meeting of the same Justices from Time to Time appoint a Clerk or Clerks for Borough Business, and from Time to Time at a like Meeting shall and may, if they shall think fit, remove and displace any Clerk or Clerks for Borough Business.

Clerk for Borough Business to be appointed.

XIX. The Clerk or Clerks for Divisional Business, or One of them, shall attend upon the Stipendiary Justice and every other Justice sitting for him, for and during the Transaction and Disposal of all Divisional Business, except such as shall be done at any Sittings holden within the Townships or Places of *Worsley* or *Heaton Norris;* and the Clerk or Clerks, or One of them, for Borough Business, shall attend upon the Stipendiary Justice and all other Sittings of a Justice or Justices of the Peace holden at the Town Hall in *Salford*, for and during the Transaction and Disposal of all Borough Business.

Duties of the respective Clerks for Divisional and Borough Business.

XX. So long as the Stipendiary Justice and the Clerk for Divisional Business and the Out-District Clerks shall respectively continue to discharge the Duties of their respective Offices, there shall be paid, out of the Fund or Monies by this Act authorized to be raised and maintained for that Purpose, to the Stipendiary Justice, the yearly Sum of Eight hundred and forty Pounds, and to the Clerk for Divisional Business a yearly Sum not exceeding Five hundred Pounds, which said last-mentioned yearly Sum shall be paid to and received by the said Clerk in lieu of all Fees and Monies which he would otherwise be entitled to by virtue or in respect of his said Office or Employment, but which said Fees and Monies he is nevertheless hereby required to demand and receive, and is herein-after directed to pay over to the Credit of the General Fee Fund herein-after mentioned and directed to be raised and maintained; and the said last-mentioned yearly Sum shall include as well the Remuneration for the Service of such Clerk as the Payments he may be required to make for all necessary Assistants; and there shall also be paid out of the said Fund to every Out-District Clerk such yearly Sum as, according to the Provisions of this Act, shall be fixed for his Salary, which Sum every such Clerk shall receive in lieu of all Fees and Monies which he would otherwise be entitled to by virtue or in respect of his said Office or Employment, but which Fees and Monies he is nevertheless hereby required to demand and receive, and is herein-after directed to pay over to the Credit of the said General Fee Fund, and which respective Sums so fixed

Provision for Payment of Salaries to the Stipendiary Justice and Clerk for Divisional Business and Out-District Clerks.

for Salary as aforesaid shall include as well the Remuneration for the Services of every such Clerk as the Payments he may be required to make for all necessary Assistants, the said several Sums to be paid by Four equal quarterly Payments, and so *pro rata* a Proportion of such quarterly Payments up to the Time of the Death of the said Stipendiary Justice or of the said Clerks respectively, or their respectively ceasing to act.

Borough of Salford to contribute its Quota towards the Salary of Stipendiary Justice from Borough Fund.

XXI. So long as the said Stipendiary Justice shall continue to discharge the Duties of his said Office as aforesaid, the Treasurer of the Municipal Borough of *Salford* for the Time being shall, out of the Borough Fund, pay the yearly Sum of Four hundred and twenty Pounds, which said yearly Sum shall be paid by the said Municipal Borough as its Contribution or Quota towards the yearly Salary herein-before directed to be paid to the said Stipendiary Justice, and shall be paid by Four equal quarterly Payments in every Year to the Treasurer for the Time being of the General Fee Fund herein-after mentioned and directed to be raised and maintained, or, if there shall be no such Treasurer, to the Clerk for Divisional Business, who shall carry the same to the Credit of the said General Fee Fund, to be applied as Part thereof; and every such Payment shall discharge as well the Treasurer of the said Borough from all Liability to account for the Money so paid as the said Municipal Borough of *Salford* from all further Liability whatsoever in respect of the Period or Periods on account of which such Payment shall have been made to contribute to the Salary herein-before directed to be paid to the said Stipendiary Justice as aforesaid, or to the said General Fee Fund on any other Account whatsoever, nor shall the said Municipal Borough of *Salford* or any Officer thereof be in any way responsible for the Application of the said General Fee Fund or any Part thereof.

Provision for Payment to Clerk for Borough Business of such annual Sum, not exceeding 500*l.*, as Council may direct.

XXII. The Council of the said Municipal Borough of *Salford* shall from Time to Time order the Payment out of the Borough Fund of the said Municipal Borough to the Clerk or Clerks for Borough Business of such yearly or other Sum or Sums of Money, not exceeding in the whole the yearly Sum of Five hundred Pounds, nor less than the yearly Sum of Three hundred Pounds, commencing at such Times and payable in such Manner as the said Council shall think reasonable and proper in that Behalf, as a Remuneration for the Services of such Clerk or Clerks, and for all Payments he or they may be required to make for all necessary Assistants, and also for conducting the Prosecution of Offences committed within the said Municipal Borough of *Salford*; and the Treasurer for the Time being of the said Municipal Borough shall thereupon pay such Sum or Sums of Money accordingly out of the said Borough Fund, the same

to

to be received by such Clerk or Clerks in lieu of all Fees and Monies to which he or they would otherwise be entitled by virtue or in respect of the said Office or Employment, which Fees and Monies he or they is and are nevertheless hereby required to demand and receive, and herein-after directed to pay over to the Treasurer of the said Municipal Borough, in aid of the Borough Fund.

No Fees to be taken except at Places of public Sitting.

XXIII. No Justice of the Division, nor any Clerk of any such Justice, nor any Person on behalf of such Justice or Clerk, shall, directly or indirectly, upon any Pretence whatever, take or receive any Fee, Reward, Gratuity, or Recompence for any Act or Business by any such Justices or Clerk done or to be done in the Execution of his said Office or Employment within the said Division elsewhere than at the said *New Bailey* Court House, or the said Town Hall in *Salford* aforesaid, or at *Worsley*, or at *Heaton Norris*, or such other Place or Places as is, are, or shall be appointed under the Authority of this Act for the holding of Sittings of a Justice of the Peace, upon pain of forfeiting the Sum of One hundred Pounds for every such Offence, One Moiety thereof to be paid to the Clerk for Divisional Business, to be by him carried to the Fee Fund herein-after directed to be raised and maintained, and to be considered Part of and applicable to the same Purposes as the said Fund, and the other Moiety thereof, with full Costs of Suit, to the Person who shall sue for the same in any of Her Majesty's Superior Courts of Law: Provided, that nothing in this Act contained shall be construed to extend to any Fees taken, payable, or demandable at any Assize or Gaol Delivery, or at any General or Quarter Sessions of the Peace, or from the Treasurer for the Time being of the said County.

Process requiring Appearance of Inhabitants of the Division, without the Limits of the same, to be void.

XXIV. Any Summons or other Process which shall after the passing of this Act be issued by any Justice of the Peace of the County of *Lancaster* requiring any Person residing within the said Division of *Manchester* to appear at any Place without the Limits of the said Division, to answer any Information or Complaint touching any Matter arising within the said Division, shall be utterly void and of no Effect, any Law, Custom, or Usage to the contrary notwithstanding.

Clerk for Borough Business to receive all Fees and render to the Council a quarterly Account thereof, and pay Fees received to the

XXV. Some Person to be appointed by the Council of the said Municipal Borough of *Salford* for that Purpose, and until such Appointment shall be made the Clerk or Clerks for Borough Business, shall receive all Fees and Monies chargeable and to be received for and in respect of any Borough Business; and such Person and Clerk or Clerks respectively shall keep a full true and particular Account in Writing of all Fees and Monies so chargeable and to be received, and shall once in every Quarter of a Year, or oftener if required, render

Treasurer of the Borough.

render such Account to the Council of the said Municipal Borough of *Salford*, which said Account shall, if required, be verified by a Declaration of the Person rendering the same of the Correctness thereof, to the best of his Knowledge and Belief, before some Justice of the Division or some Borough Justice (which Declaration every such Justice is hereby empowered to receive); and such Person and Clerk or Clerks respectively shall, at such Time and in such Manner as the said Council shall direct, pay all such Fees and Monies as he shall so from Time to Time receive unto the Treasurer for the Time being of the said Municipal Borough of *Salford*, who shall carry the same to the Account and Credit of the Borough Fund of the same Borough, to be applied as Part thereof.

Clerk for Divisional Business to receive Fees, and render a Quarterly Account thereof to Justices of Division.

XXVI. The Clerk for Divisional Business shall receive all Fees and Monies chargeable and to be received in respect of any Divisional Business, except such as shall be transacted at the Townships or Places of *Worsley* and *Heaton Norris*, or such other Place or Places as is or shall be appointed under the Authority of this Act for the holding of Sittings of a Justice of the Peace, and shall keep a full, true, and particular Account in Writing of all such Fees and Monies so chargeable and to be received, and shall once in every Quarter of a Year, or oftener if required, render to the Justices of the Division a true Account, verified by a Declaration of the Clerk for Divisional Business for the Time being of the Correctness thereof, to the best of his Knowledge and Belief, before some Justice of the Division, (which Declaration every such Justice is hereby authorized and empowered to receive,) of all Fees and Monies received by him, and of all Payments made thereout under the Authority of this Act during the Period of such Account, in such Form and containing such Particulars as the Justices of the Division shall from Time to Time require; and the same Duties as are in this Section contained with respect to the Clerk for Divisional Business shall be performed in like Manner by each of the Out-District Clerks, as fully as if the same were herein repeated with respect to them respectively.

Persons making false Declarations to be guilty of a Misdemeanor.

XXVII. If any Person whose Duty it shall be to make any such Declaration as herein-before mentioned shall in any such Declaration wilfully and corruptly make any false Statement, the Person so making the same shall be guilty of a Misdemeanor.

Clerk for Divisional Business, and Out-District Clerks, to carry all Fees received to

XXVIII. All Fees and Monies which the Clerk for Divisional Business and the Out-District Clerks respectively shall so receive as aforesaid shall be carried to the Account of a General Fund hereinafter mentioned, called "The Fee Fund of the Justices for the Division of *Manchester*," and which Fund, or so much thereof as shall not be from Time to Time required or applied for the Purposes herein-

herein-after mentioned, shall be placed and remain in such Bank within the City of *Manchester* or Borough of *Salford* as the Justices of the Division shall from Time to Time direct: Provided always, that it shall be lawful for the Justices of the Division, at any Meeting, if they shall think it necessary or expedient so to do, from Time to Time to appoint any fit Person, other than the Clerk to the Justices, to be Treasurer of the said Fee Fund, with such yearly or other Salary or Allowance not exceeding the yearly Sum of Fifty Pounds (to be paid out of the same Fund) as the said Justices shall think fit, and to take such Security, in such Form and Manner as may be deemed requisite or advisable, for the due Performance of his Office by such Treasurer, such Treasurer to be removable from his said Office at the Pleasure of the said Justices; and the said Justices shall have Power from Time to Time to make all such Orders and Regulations for securing the same Fund, and for keeping the Accounts relative thereto, as to such Justices shall seem expedient; and the said Fund shall be from Time to Time applied in or towards the Payment of all necessary Expenses of Printing and Stationery for Divisional Business, and of the respective Salaries and other Charges and Expenses by this Act authorized to be paid thereout, and the Expenses consequent upon any Sittings which may be held elsewhere than at the *New Bailey* Court House, or at the Town Hall in *Salford* aforesaid, in pursuance of this Act.

Account of General Fee Fund.

Justices of Divisions may appoint Treasurer of Fee Fund.

XXIX. And whereas under the Authority of the fourth-recited Act a Fund was formed called "The Fee Fund of the Justices for the Division of *Manchester*," applicable to the Payment of the Salaries and other Expenses by that Act authorized to be paid thereout, and there are now divers Monies standing to the Credit of and composing the same, and it is desirable that the said Fund should be made applicable to the Purposes of this Act: Be it enacted, That the said Fund, and all Monies and Securities for Money belonging to or composing the same, shall, upon the passing of this Act, become and be "The Fee Fund of the Justices for the Division of *Manchester*," under the Authority of this Act, and that the Person who at the Time of the passing of this Act is the Treasurer of the said Fee Fund formed under the Authority of the said fourth-recited Act, shall be and is hereby appointed the First Treasurer of the Fee Fund of the Justices for the Division of *Manchester* under the Authority of this Act, and all and every Securities and Security given by him, or by any Person or Persons on his Behalf, under the said fourth-recited Act, shall enure and be as good and valid Securities and Security under the Authority of this Act as the same respectively would be if they and it had been given under the Provision for taking Security in this Act contained.

Fee Fund formed under 8 Vict. c. 21. to be the Fee Fund under this Act.

XXX. No Clerk or Clerks appointed or to be appointed under this Act shall, except as herein-after provided, during the Continu-

Clerks disqualified from acting

as Attorneys in certain Cases.

ance of his or their Office, or within Six Calendar Months after he or they shall have resigned or shall have been removed from such Office, be concerned, either by himself or themselves or any Partners, or in any Manner, directly or indirectly, as an Attorney or Attorneys or Agent or Agents in any Matter brought or to be brought before the Justice whose Clerk or Clerks he or they is or shall have been, or in any Prosecution at any Court of Sessions of the Peace, or at any Assizes, or before any Court of Oyer and Terminer and Gaol Delivery, arising out of or consequent upon any Proceeding before the Justice whose Clerk he or they is or are or shall have been; and any Clerk who shall offend against this Enactment shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered, together with Costs of Suit, by any Person who shall sue for the same, by Action of Debt in any of Her Majesty's Superior Courts of Law, to be commenced within Six Calendar Months next after the Commission of any such Offence; but nothing herein contained shall subject any such Clerk or Clerks to any Penalty for any Act done by him or them in the Discharge of his or their official Duty as such Clerk or Clerks: Provided always, that the Clerk or Clerks, for Borough Business, being paid by a fixed Salary in lieu of Fees and other Emoluments as aforesaid, as well for conducting the Prosecution of Offences committed within the said Municipal Borough of *Salford* as for his or their Services as such Clerk or Clerks, may and shall and is or are hereby required to conduct all Prosecutions at the General Quarter Sessions of the Peace, or any adjourned Sessions thereof, or at any Assizes, or before any Court of Oyer and Terminer and Gaol Delivery, for any Offences committed within the Limits of the Municipal Borough of *Salford*, and shall and he or they is and are hereby required to account for and pay over all Fees and Emoluments arising from such Prosecution, or received by him or them on account thereof, to the Treasurer of the said Municipal Borough, in aid of the Borough Fund, which Fees and Emoluments the said Clerk or Clerks is or are hereby authorized and required to receive: Provided also, that the said Clerk or Clerks shall be entitled to receive from the said Borough Fund the Sum of Two Guineas *per* Day for every Day during which he or they shall be necessarily attending at the said Assizes, or before any Court of Oyer, Terminer, and Gaol Delivery as aforesaid, for the Purpose of conducting the Prosecution of any such Offence as last herein-before mentioned, and also the Sum of One Guinea *per* Day for every Day during which he or they shall be necessarily attending any Court of Quarter Sessions of the Peace, or any intermediate adjourned Sessions held at the *New Bailey* Court House in *Salford* aforesaid, for the Purpose of conducting the Prosecution of any Offence as herein-before is mentioned, which said Sums the Treasurer of the said Borough for the Time being is hereby authorized and required to pay.

Clerk for Borough Business to conduct Prosecution of Borough Offences.

XXXI. And

Salford Borough and Manchester Division.

XXXI. And for the better providing for and securing the Payment of the several Salaries, Charges, and Expenses payable under this Act, it shall be lawful for the Justices of the Peace acting in and for the said County of *Lancaster* at any General Quarter Sessions of the Peace holden by Adjournment within the Hundred of *Salford* aforesaid, and they are hereby required, from Time to Time to make a Rate (not exceeding the Amount herein-after limited) on all the rateable Property within the said Division of *Manchester*, except such as is within the Municipal Boroughs of *Salford* or *Stockport*, for the Purpose of raising so much Money, which, together with the Fee Fund by this Act authorized to be raised and maintained, (the Amount or probable Amount of which shall from Time to Time be ascertained or estimated by the said Justices as correctly as may be,) shall be sufficient for the Payment of the said several Salaries, Charges, and Expenses herein mentioned, such Rate to be made in the same Manner as is now by Law directed, authorized, or practised for making County Rates.

Justices to make Rates for Payment of Salaries, &c. under this Act.

XXXII. The annual Value of the rateable Property herein-before authorized to be rated, as such Value shall have been or from Time to Time may be ascertained and determined for the Purpose of assessing the County Rate upon the same Property, may be from Time to Time adopted and taken by the said Justices as the Basis of any Assessment and Rating to be made by them for the Purposes of this Act as aforesaid, without any separate or other Valuation of such Property or any Part thereof being made or required.

Mode by which Value of rateable Property may be ascertained.

XXXIII. All and every the Powers, Authorities, Provisions, Clauses, and Regulations given or contained by or in any Acts of Parliament now subsisting and in force for or relating to the making, assessing, collecting, levying, paying, or enforcing of County Rates in *England*, shall, so far as the Nature of the Case will admit, and except as is herein otherwise specially provided, be deemed and taken to apply to the said Rate so by this Act directed or authorized to be made as aforesaid, as if the same Powers, Authorities, Provisions, Clauses, and Regulations were here severally repeated and re-enacted with reference to such last-mentioned Rate, and in the same Manner and as fully and effectually in all respects as if such Rate respectively were a County Rate assessed or to be assessed upon the said rateable Property herein-before made liable to be rated as aforesaid: Provided always, that the Sum to be raised by any Rate under the Authority of this Act as aforesaid shall not in any One Year exceed the Sum of One Penny in the Pound upon the annual Value of the rateable Property hereby made liable to be rated as aforesaid.

Powers of Acts relating to County Rates made applicable to this Act.

XXXIV. The

Salford Borough and Manchester Division.

Overseers of the Poor to levy Rates.

XXXIV. The Overseers of the Poor of the several Townships or Places in which is situate any Property liable to the Payment of any Rate to be made under the Authority of this Act as aforesaid, and as regards such Portion of the said Township of *Heaton Norris* as is not included in the said Municipal Borough of *Stockport* the Overseers of the Poor of the same Townships or Places respectively, or other the Persons whose Duty it shall be to collect and levy such Rate, shall, within the Time limited or specified for that Purpose in and by an Order to be made on that Behalf by the Justices who shall make such Rate as aforesaid, which Order shall of itself, and without any other Precept or Warrant whatsoever, be a sufficient Authority for the levying of the said Rate to every Person hereby empowered to levy the same, levy and collect such Rate, and pay the Amount thereof into the Hands of the Treasurer for the Time being of the said Fee Fund hereby authorized to be raised and maintained, or if there be no such Treasurer, into the Hands of the Clerk for Divisional Business, who shall carry the same to the Account of the same Fee Fund as aforesaid, and the same, together with the said Fees and other Monies to be from Time to Time received by the said Treasurer or Clerk for Divisional Business as aforesaid, shall constitute the aggregate Fund applicable for the Payment of the said several Salaries and other Charges and Payments by this Act directed or authorized to be paid thereout; and in case any such Overseers of the Poor or other Persons whose Duty it shall be to collect or levy any such Rate as aforesaid shall neglect, make default, or refuse to pay the Amount of such Rate so by them collected or levied within the Time limited or specified for that Purpose as aforesaid, to the said Treasurer or Clerk hereby appointed and authorized to receive the same as aforesaid, it shall and may be lawful for any Justice of the Peace of the said County of *Lancaster*, upon Complaint thereof made by such Treasurer or Clerk as aforesaid, to levy by Distress and Sale of the Offender's Goods the said Amount, together with all Costs of such Distress and Sale.

Application of Penalties.

XXXV. All Forfeitures and Penalties to be inflicted or recoverable under or by virtue of any of the statutable Powers or Provisions hereby extended or made applicable to any Rate hereby directed to be made and levied as aforesaid in respect of any such Rate, or any Proceeding relating thereunto, shall, when recovered, be paid to the said Treasurer for the Time being of the Fee Fund hereby authorized to be maintained, or to the Clerk for Divisional Business, if there shall be no such Treasurer, and shall be by him carried to the Account of the said General Fee Fund hereby authorized to be raised and maintained, and be applied as Part thereof.

XXXVI. It

XXXVI. It shall be lawful for the Chancellor and Council of the Duchy of *Lancaster* for the Time being, and they are hereby required, from Time to Time to make Orders upon the Receiver General of the said Duchy to pay over the Amount of Monies (not exceeding the Sum of Eight hundred and forty Pounds in any One Year) which shall or may be hereafter levied or received to Her Majesty's Use upon or by reason of Recognizances taken and estreated in the said County Palatine of *Lancaster*, to the Treasurer for the Time being of the Fee Fund hereby authorized to be raised and maintained, or, if there shall be no such Treasurer, to the Clerk for Divisional Business, the same to be by such Treasurer or Clerk carried to the Account and to be applied in aid and as Part of the same General Fee Fund as aforesaid, anything in an Act passed in the First Year of the Reign of Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, or any other Law or Statute, to the contrary notwithstanding: Provided always, that nothing herein contained shall control or abridge the Powers of the said Chancellor and Council to relieve and mitigate estreated Recognizances and Levies made therein in certain Cases of Hardship and Distress, as they are used to do.

Application of Monies received for estreated Recognizances.

1 Anne, c. 7.

XXXVII. The Treasurer of the said Fee Fund, or, if there shall be no such Treasurer, the Clerk for Divisional Business, shall from Time to Time duly account with and pay over to the Treasurer of the said Borough of *Salford*, to be placed by him to the Account of the said Mayor, Aldermen, and Burgesses, and their Successors, One Moiety or Half Part of all Monies received by the Treasurer of the said Fee Fund or Clerk for Divisional Business for Forfeitures and Penalties and estreated Recognizances, and directed to be carried to the Account of the said General Fee Fund under the Provisions herein-before contained.

Treasurer of Fee Fund to pay to Treasurer of Borough a Moiety of Monies received for Forfeitures and estreated Recognizances.

XXXVIII. And for the better Administration of the Police within the said Division of *Manchester* it shall and may be lawful for the Constables acting in and for the said Townships comprising the said Division of *Manchester* respectively, or any One of them, or their respective Deputy Constables, on having an Appointment in Writing from their respective principal Constables for that Purpose, to take Recognizances, without any Fee or Reward, from all or any Person or Persons who shall be brought before them or any of them, in the Night-time, on any Charge not amounting to Felony, for the Appearance of such Persons or Person for Examination before the Stipendiary Justice or any other Justice of the Peace for the said County Palatine within the Space of Two Days then next, and that such Recognizances so to be taken as aforesaid shall be of equal

Constables to take Recognizances, &c.

Obligation to the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before any of Her Majesty's Justices of the Peace.

Notice of Meetings of Justices.

XXXIX. Of every Meeting of Justices to be holden under the Provisions or for the Purposes of this Act Notice in Writing shall be given, either through the Post or otherwise, to every Justice having Authority to attend such Meeting, Ten Days at least before the same shall be held, which Notice shall state the Time and Place for the holding of such Meeting, and the Purposes for which the same is to be held, and it shall not be competent at any such Meeting to entertain any Question or do any Act not mentioned in such Notice.

Notice of Action.

XL. No Action shall be commenced against any Persons for any Act done or purporting to be done under the Authority of this Act until One Month at least after a Notice in Writing of such intended Action shall have been delivered to such Person, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney or Agent, in which said Notice the Cause of Action, and the Court in which the same is intended to be brought, shall be clearly and explicitly stated, and upon the Back thereof shall be endorsed the Name and Place of Abode of the Party so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney or Agent, if such Notice have been served by such Attorney or Agent.

Saving the Rights of the Corporation of Stockport and the Borough Justices.

XLI. Provided always, That nothing in this Act shall extend or be construed to extend to or interfere with the Rights or lessen or prejudice the Privileges, Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the said Borough of *Stockport*, or of the Justices of the said Borough of *Stockport*, or of the Clerk or Clerks of the said Justices, in reference to anything to be done or transacted in the said Borough in and for Matters arising within the said Borough of *Stockport*.

For Payment of Expenses of this Act.

XLII. The Costs, Charges, and Expenses of or incident to the soliciting, obtaining, and passing this Act, incurred or to be incurred under the Order and Authority of the Council of the Municipal Borough of *Salford*, shall be paid out of the Borough Funds of that Borough, and the Treasurer of the said Borough is hereby directed and required to pay the same accordingly.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXI.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-four.

[16th *June* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1854 the Sum of 8,000,000*l.* out of the Consolidated Fund.

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-four, the Sum of Eight Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the

the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, anything in

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an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum

or

or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXII.

An Act to enable the Collector General of *Dublin* to levy Money to repay a certain Outlay by the Corporation for preserving and improving the Port of *Dublin* in and about repairing the Quay Wall of the River *Liffey*, and for future Repairs thereof, and for repairing and rebuilding Bridges over the said River. [16th *June* 1854.]

WHEREAS under several Acts of Parliament the Building, Repair, and Preservation of the Quay Walls of the River *Anna Liffey* was intrusted to the Corporation for preserving and improving the Port of *Dublin*, and in consideration thereof a certain Assessment or Frontage Rate was imposed upon Grounds, Houses, and Buildings adjoining and fronting any of the Quays of said River: And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions and to amend the Acts relating to the Harbour of* Kingstown *and the Port and Harbour of* Dublin, it is recited, that the Quay Walls Westward of the Bridge called *Carlisle* 1 & 2 Vict. c. 36.

Bridge, and extending to the Bridge called *Barrack Bridge*, had been built, and were then in good Order and Repair, and would not require for the maintaining or repairing of the same a Sum equal to the full Amount of the Duty or Rate theretofore leviable upon the Inhabitants of that Part of said Quays; and it was thereby enacted, that from and after the First Day of *July* One thousand eight hundred and thirty-eight the said Rate or Duty theretofore payable to or leviable by the said Corporation within the Limits aforesaid, and all Arrears thereof, should cease and determine, and should not be any longer leviable by the said Corporation: And whereas it was by the last-mentioned Act further enacted, that whenever the said Corporation should on the First sitting Day of any *Easter* or *Michaelmas* Term cause to be laid before the Court of Queen's Bench, signed with the proper Names and Handwriting of any Three Members of the said Corporation, and sealed with their Corporate Seal, an Estimate of the probable Expense of executing or making any Repairs which at any Time or Times should be wanting on or by the said Quay Walls within the Limits aforesaid, verified by the Affidavit of Two skilful Persons, or by the Affidavit of the Ballast Master for the Time being of the said Corporation, the said Court of Queen's Bench should in each and every such Case charge the Grand Jury of the County of the City of *Dublin* and the Grand Jury of the County of *Dublin* to meet in One Room at a certain Time to be named by the said Court, and that it should then be lawful to and for the said Grand Juries, when so assembled, or any Twenty-four Members thereof, and they were thereby required, to present the whole Amount of the Estimate so laid before them to be raised and levied by One Instalment or by equal half-yearly Instalments at every *Easter* and *Michaelmas* Term on and out of all Houses and other Buildings erected or to be erected within the District of the Metropolis, and to be paid by all and every the Owners or Occupiers thereof, and for the raising of such Sum on the said Inhabitants, as the Case might be, to present a certain Rate of Assessment, which should be agreed on by the said Grand Juries or any Twenty-four Members thereof, of a certain Sum in the Pound to be levied on the Value of all such Houses or other Buildings according to the Valuation by which they were then or thereafter might be valued or rated for or towards the Maintenance of the Police Establishment of the said District, and that it should be lawful for the said Grand Juries or any Twenty-four Members thereof to make such Presentment as aforesaid, whether they should have been approved of by the Presentment Sessions for such Counties respectively or not: And whereas in and by an Act of Parliament passed in the Twelfth and Thirteenth Years of Her present Majesty's Reign, intituled *An Act to provide for the Collection of Rates in the City of* Dublin, it is enacted, that from and after the Tenth Day of *December* One thousand eight hundred

12 & 13 Vict. c. 91.

hundred and fifty the several Powers, Duties, and Authorities of applotting, levying, and collecting the Rates, Cesses, Taxes, and Rents specified in Schedule (A.) to the said last-mentioned Act annexed should cease to be exercised by the Bodies Politic or Corporate, Boards, Commissioners, or Persons empowered by any Act or Acts to applot, levy, and collect the same, but should be vested in and exercised by the Collector General of Rates in the said last-named Act of Parliament mentioned, and should be performed in the Manner in the said last-mentioned Act directed: And whereas in and by an Act passed in the Twelfth and Thirteenth Years of Her present Majesty's Reign, intituled "The *Dublin* Improvement Act, 1849," it is enacted, that on and after the Day on which the said Acts should come into operation, all the Powers and Duties of the Grand Jury of the County of the City of *Dublin* and the Sessions Grand Jury of the City of *Dublin*, in relation to the presenting and levying of Rates or Cesses as aforesaid, should cease and determine within the said Borough, and that from the Time aforesaid all the Powers theretofore exercised by or vested in relation to the presenting and levying of Rates and Cesses for local Purposes within the Borough of *Dublin* in the said Grand Jury or said Sessions Grand Jury should be transferred and be solely exercised by the Council of the said Borough; and it is thereby enacted, that the Council of the said Borough should fix a Time once in every Year to receive Applications for all Things then authorized to be done by the Grand Jury of the County of the City of *Dublin* or the said Sessions Grand Jury in relation to fiscal Matters, Rates, or Cesses within the Borough of *Dublin*, and that such Applications should be made in like Form as the same were then authorized to be made in Cases of Application for Presentments, and that immediately after the Day so fixed for receiving such Applications the Council should proceed to investigate such Applications, and decide upon them at an open Meeting of the said Council or of a Committee thereof authorized in that Behalf, and that a Schedule of such Applications as might be agreed to with respect to Grand Jury Cess should be made out by the Town Clerk, who should lodge the same Two clear Days before the First Day of *Hilary* Term in the Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of *Michaelmas* Term in said Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of *Michaelmas* Term in every succeeding Year, with the Clerk of the Crown of the Queen's Bench, and that a Schedule of such Applications as might be agreed to with respect to Sessions Grand Jury Cess should be made by the said Town Clerk, who should lodge the same in every Year subsequent to the Year One thousand eight hundred and fifty-one Two clear Days before the First Day of *October* Quarter Sessions in every succeeding Year with the Clerk of the Peace for the City of *Dublin*, and

and that thereupon it should be lawful for the Court of Queen's Bench or any Judge of the said Court and the Recorder of the City of *Dublin* respectively to fix Days for the Consideration of the said Presentments, and that on such Days at least Twenty Members of the said Council should attend the said Court or Judge or Recorder respectively, and that the said Court, Judge, or Recorder respectively, after hearing all Parties affected by or interested in such Presentments, should make such Orders therein, and should allow or disallow the same or any of them or any Portion thereof, as to the said Court, Judge, or Recorder respectively should seem fit, and should fiat the same or any Portions thereof, according as same should be allowed either by the full Court or by any of the Judges thereof or the Recorder respectively: And whereas since the passing of the said last-mentioned Act a certain Portion of the Quay Wall of the said River within the Limits herein-before mentioned required to be repaired, and the said Corporation for preserving and improving the Port of *Dublin* have repaired the Breach in said Walls, and expended a Sum of One thousand three hundred and ten Pounds Sixteen Shillings and Elevenpence in and about making said Repairs, and which said Sum of One thousand three hundred and ten Pounds Sixteen Shillings and Elevenpence hath not been assessed, applotted, or levied, nor hath it been repaid to the said Corporation for preserving and improving the Port of *Dublin*, nor can the same, by reason of the Alterations made in the Mode of raising and levying Rates formerly raised and levied by the Grand Juries of the County of the City of *Dublin*, be now raised or levied under or by virtue of the Provisions of the said herein-before recited Act of the First and Second Years of Her present Majesty: And whereas it is necessary to make Provision for the Purpose of reimbursing the said Corporation for preserving and improving the Port of *Dublin* in the said Sum of One thousand three hundred and ten Pounds Sixteen Shillings and Elevenpence so expended in and about the said Repairs heretofore made, and for the future maintaining and repairing of the said Quay Walls, and for repairing or rebuilding the several Bridges between *Carlisle Bridge* and *Barrack Bridge*, and including the said Two Bridges, under and by virtue of the Powers and Provisions of the said Acts herein-before named, that is to say, the "Act to provide for the Collection of Rates in the "City of *Dublin*" and the *Dublin* Improvement Act, and of this Act, in the Manner herein-after mentioned, and that all and every Sum and Sums of Money which it may be hereafter necessary to raise or levy for the Purpose of the Maintenance, Preservation, or Reparation of the said Portion of the said Quay Wall herein-before specified, and the repairing or rebuilding all the said Bridges, shall be estimated, assessed, applotted, collected, raised, and paid over to the said Corporation for preserving and improving the Port of *Dublin*, under

under the Powers and Provisions of the said Two last-mentioned Acts and of this Act, in the Manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Sums to be included by Town Clerk in Schedule of Applications previous to Michaelmas Term.

I. The Town Clerk of the City of *Dublin* shall include and insert in the Schedule of such Applications as shall be agreed to with respect to Grand Jury Cess previous to next *Michaelmas* Term an Application by and on behalf of the said Corporation for preserving and improving the Port of *Dublin* for the said Sum of One thousand three hundred and ten Pounds Sixteen Shillings and Elevenpence so expended by the said Corporation in and about the said Repairs of the said Quay Wall as aforesaid, and also a Sum of Thirty-two Pounds Fifteen Shillings and Fivepence, being Two Pounds Ten Shillings *per Centum* on the said Sum of One thousand three hundred and ten Pounds Sixteen Shillings and Elevenpence, for the Costs of Collection, and that the said Court of Queen's Bench, or any Judge thereof who shall preside in the said Court when the Applications contained in such Schedule shall be brought before him for Consideration, shall allow and fiat the Sum of One thousand three hundred and forty-three Pounds Twelve Shillings and Fourpence to and for the said Corporation for preserving and improving the Port of *Dublin*.

When Application fiated, the said Sum shall be applotted, &c. by Collector General, as defined by 6 & 7 W. 4. c. 29.

II. When and immediately after the said Application shall be so fiated, the said Sum of One thousand three hundred and forty-three Pounds Twelve Shillings and Fourpence shall be applotted, assessed, raised, and levied by the said Collector General of Rates appointed by the said Act to provide for the Collection of Rates in the City of *Dublin*, in the same Manner as the Police Rate, on and out of all Houses and other Buildings erected within the District of *Dublin* Metropolis, as defined or authorized to be defined by an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, and any other Act amending the same: The said Collector General of Rates shall have all the same Powers and Authorities for applotting, assessing, levying, and collecting, lodging, disbursing, and paying over the said Sum of One thousand two hundred and forty-three Pounds Twelve Shillings and Fourpence, and any Arrears in respect of the same, as are now vested in him for applotting, assessing, levying, and collecting the Police Rates in the said District of *Dublin* Metropolis, under and by virtue of the said last-mentioned Act, or otherwise howsoever.

Sum when collected to be paid into Bank.

III. When and as the said Sum shall be so collected and levied, the Sum of One thousand three hundred and ten Pounds Sixteen Shillings and

and Elevenpence shall be lodged in the Bank of *Ireland* to the Credit of an Account for the said Corporation for preserving and improving the Port of *Dublin*, to the separate Account to be kept therein with the said Corporation as herein-after mentioned, and to be paid to the said Corporation in discharge of the said Sum so expended by them as before mentioned.

Ballast Board to furnish Estimates for Repair of Quay Wall, and Levies to be made, if Estimates approved.

IV. From and after the passing of this Act, and when and so often as it shall be necessary to expend any such Sum or Sums of Money for the Purpose of preserving or repairing the said Portion of the said Quay Wall herein-before mentioned, and also for the Purpose of repairing or rebuilding all the said Bridges, the said Corporation for preserving and improving the Port of *Dublin* shall, on or before the First Day of *September* in every Year, by their Secretary or other public Officer, estimate and ascertain, as nearly as may be, the Amounts of the Sums of Money which they shall deem to be so necessary for preserving and repairing the said Portion of the said Quay Wall for Twelve Months next following the First Day of *January* in each Year, by the Name of the Quay Wall Tax, and also for repairing or rebuilding the said Bridges; and the said Corporation for preserving and improving the Port of *Dublin* shall, by their Secretary or other public Officer, sign and certify such Estimate, and transmit the same, on or before the First Day of *September* in every Year, to the Town Clerk of the City of *Dublin;* and immediately after the Day fixed by the Council of the said Borough of *Dublin* for receiving such Applications the said Council shall proceed to investigate such Estimate or Application, and decide upon them at an open Meeting of the said Council or of a Committee thereof authorized in that Behalf, in the same Manner as the said Council is authorized and empowered in respect of other Presentments; and if the said Estimate or Application should be agreed to by the said Council or Committee thereof, then the said Estimate or Application shall be inserted by the Town Clerk of the said Borough in the Schedule of Applications agreed to by the said Town Council, according to the Provisions of the *Dublin* Improvement Act, 1849, to be made out; and every such Estimate or Application shall be subject to such Consideration by the Court of Queen's Bench or any Judge thereof, and to such Orders, Allowance, or Disallowance by such Court or Judge respectively, and also to such Traverses or Objections, as is provided with respect to Applications or Presentments in and by the said last-mentioned Act authorized to be made.

If Estimate not approved of, Application to be made to

V. In case any such Estimate or Application shall not be sanctioned by the said Council, the Parties making such Application shall be at liberty (on giving Six Days Notice of his Intention to do so) to bring

bring the same before the Court or Judge respectively at the Time of fiating Presentments, and if it shall appear to the said Court or Judge respectively that such Presentment or Presentments should have been made, the same shall be added to the Schedules sent by the Town Clerk, under the separate Heading "Quay Wall Tax" or "Bridge Tax" respectively, as the Case may be.

Court at Time of fiating Presentments.

VI. The Amount of such Sum and Sums as shall from Time to Time be so presented or fiated as aforesaid shall be applotted, raised, and levied by the Collector General of Rates in the same Manner as the Police Rate, and all the Provisions by the said Act called "The Act to provide for the Collection of Rates in the City of *Dublin*," provided for the applotting, assessing, raising, levying, lodging, accounting for, auditing, and paying over the Sums in the said Acts in that Behalf mentioned, shall extend and be applicable to the said Quay Wall Tax and Bridge Tax respectively, as fully as if the same had been specifically mentioned in the said Act, and been declared to be One of the Rates leviable thereunder: Provided, however, that the said Quay Wall Tax and Bridge Tax respectively shall be raised and levied on and out of all Houses and other Buildings erected within the said District of *Dublin* Metropolis as aforesaid; and the said Monies so levied shall be lodged in the Bank of *Ireland* to the Credit of an Account for the said Corporation for preserving and improving the Port of *Dublin*, to a separate Account to be called "The Quay Wall and Bridge Tax Accounts."

Sums to be applotted and raised same as the Police Rate.

VII. So much of the said Act called *An Act to make further Provisions and to amend the Acts relating to the Harbour of* Kingstown *and the Port and Harbour of* Dublin, or of every other Act respecting the Quay Walls, as is contradictory to or inconsistent with the Provisions of this Act, shall be and is hereby repealed.

So much of 1 & 2 Vict. c. 36. as inconsistent with this Act, &c. repealed.

VIII. So much of the several Acts as are herein-before recited, and as shall or may be found necessary for the Purposes of this Act, shall be considered, deemed, and taken to be incorporated herein.

Parts of Acts herein recited to be incorporated.

IX. This Act shall commence and take effect from the Tenth Day of *December* One thousand eight hundred and fifty-four.

Commencement of Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXIII.

An Act for raising the Sum of Six Millions by Exchequer Bonds and Exchequer Bills.

[16th *June* 1854].

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved to give and grant unto Your Majesty the Sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury may raise 2,000,000*l.* by Exchequer Bonds.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue Exchequer Bonds, bearing Interest from the Eighth Day of *May* One thousand eight hundred and fifty-four at Three Pounds Ten Shillings *per Centum per Annum*, to be paid off at Par on the Eighth Day of *May* One thousand eight hundred and fifty-eight, for any Sums not exceeding in the whole Two Millions, to any Person who may have subscribed for such Bonds at a Price not less than Ninety-eight

Exchequer Bonds (6,000,000*l.*)

Pounds Fifteen Shillings *per Centum*, to be paid at the Rate of One hundred Pounds One Shilling if in Money, or in Exchequer Bills at Par, for every One hundred Pounds so subscribed; and all Exchequer Bills so subscribed shall be delivered up to be cancelled; and all Payments in Money shall be placed to the Account of Her Majesty's Exchequer in the Books of the Governor and Company of the Bank of *England*.

Instalments.

II. Such Parties, their Executors, Administrators, Successors, and Assigns, as have subscribed for any such Exchequer Bonds, and shall have made a Deposit of Ten Pounds *per Centum* on the Eighth, Ninth, or Tenth Days of *May* One thousand eight hundred and fifty-four, and shall pay the further Instalments in completion of the Price at the following Times; viz.

Thirty Pounds *per Centum* on the Ninth Day of *June* next;
Twenty Pounds *per Centum* on the Eleventh Day of *July* next;
Twenty Pounds *per Centum* on the Eighth Day of *September* next;
And the remaining Twenty Pounds on the Seventeenth Day of *October* next;

shall on completing such Subscription be entitled to the Bonds for which they have severally subscribed; and Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, from the Day of Payment up to the respective Days on which the Instalments fall due, shall be paid to such Parties as shall pay the Instalments at an earlier Period; and unless such Parties so subscribing shall pay the whole of such Instalments, the Deposit and Instalments actually paid shall be forfeited, and no Bonds shall be issued on account of such Subscription.

Treasury may raise a further Amount of 4,000,000*l.* on Exchequer Bonds.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue from Time to Time, but not later than the Fifth Day of *April* One thousand eight hundred and fifty-five, a further Amount of Exchequer Bonds for any Sums not exceeding in the whole Four Millions, at any Prices and on any Terms which may be determined upon by the said Commissioners, and such Bonds shall bear such Rates of Interest, not exceeding Four Pounds *per Centum per Annum*, as shall be fixed by the said Commissioners, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Six Years from the Day such Bonds shall bear Date, and also to authorize the Issue of Scrip Receipts in anticipation of the Preparation of such Bonds, and such Scrip Receipts shall be in such Form as the said Commissioners shall direct, and shall be exchanged at such Times and under such Regulations as the said Commissioners shall prescribe in that respect for Bonds of the like Amount and Value, which Scrip Receipts shall pass by Delivery to Bearer until after

after Seven Days Notice be given by the said Commissioners in the *London Gazette* that such Bonds are ready to be delivered in exchange for such Scrip Receipts.

Interest and Repayment of Principal Money.

IV. The Interest on all Exchequer Bonds issued under the Authority of this Act which shall bear Date on the Eighth Day of *May* One thousand eight hundred and fifty-four shall be payable half-yearly, on the Eighth Day of *May* and the Eighth Day of *November*, the first Payment thereon to be payable on the Eighth Day of *November* One thousand eight hundred and fifty-four, and the Interest on all other Exchequer Bonds issued under the Authority of this Act shall be payable half-yearly, on such Days as shall be appointed by the Commissioners of Her Majesty's Treasury, and all such Interest, at whatever Days payable, shall be charged upon and issued out of the growing Produce of the Consolidated Fund of the United Kingdom, and the Principal Monies secured by such Bonds shall be repaid out of such Monies as shall be provided by Parliament in that Behalf.

If full Amount of 4,000,000*l.* in Bonds is not issued, Exchequer Bills may be issued

V. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, but not later than the Fifth Day of *April* One thousand eight hundred and fifty-five, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for such Sum or Sums of Money as they shall direct, but the Amount of such Exchequer Bills taken together with the Amount of Exchequer Bonds issued from Time to Time under Section Three of this Act shall not exceed in the whole the Sum of Four Millions authorized to be raised by Exchequer Bonds as last herein-before mentioned, and all such Exchequer Bills shall be prepared and made out in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

Limitation of Amount to 6,000,000*l.*

VI. The whole Amount of Principal Money to be secured by the Exchequer Bonds and Exchequer Bills to be issued under the Authority of this Act shall not exceed the Sum of Six Millions.

VII. All

The Clauses, &c. in recited Acts extended to Bills made out under this Act.

VII. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Bills how to be charged and paid.

VIII. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

IX. The Exchequer Bills to be made out in pursuance of this Act shall bear such Date as shall be directed in any Warrant or Warrants issued by the said Commissioners of Her Majesty's Treasury, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills to be current in Payment of Public Revenue after Twelve Calendar Months from their Dates.

X. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate, whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

The Treasury may cause Exchequer Bonds to be issued.

XI. It shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out at the Receipt of Her Majesty's Exchequer at *Westminster*, in such Manner and Form and bearing such Date as shall be directed by the said Commissioners, which Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds, and of the Receipts or Certificates for such Interest thereon; and it shall be lawful for the Commissioners of Her Majesty's Treasury

Exchequer Bonds (6,000,000*l.*)

Treasury to provide for the Delivery to the Persons and Corporations entitled thereto of such Exchequer Bonds as may be due to them under the Authority of this Act, or it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, to sell such Exchequer Bonds or any of them, and such Exchequer Bills, to be issued under the Authority of this Act, or any of them, and the several Sums of Money raised by the Issue or Sale of any such Exchequer Bonds or Exchequer Bills shall be paid to the Credit of Her Majesty's Exchequer at the Bank of *England*.

Treasury to regulate the Issue of Exchequer Bonds

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, subject to the Provisions herein contained, by Warrant under their Hands to prescribe and regulate the Manner and Form in which Exchequer Bonds to be made out and issued under this Act shall be made out and issued, and how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and to provide for the Manner of Payment of the Interest accruing thereon, and for the Issue, if they think fit, of Receipts or Certificates for such Interest annexed to such Bonds or otherwise, and also to provide for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds, in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities and under such Conditions and Precautions as they may think fit, and generally to make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit; and it shall be lawful for the said Commissioners, by such Regulations as aforesaid, to provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in lieu thereof, which shall be transferable by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the *London Gazette*.

Treasury empowered to direct Comptroller General to deliver such Amount of Exchequer Bonds or Bills from Time to Time to such

XIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bonds or Exchequer Bills, prepared in pursuance of this Act, as the said Commissioners shall from Time to Time think fit, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer

Persons as they think fit.

Bonds or Exchequer Bills as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale and Application of the Proceeds of such Exchequer Bonds or Exchequer Bills, or for delivering such Bonds in exchange for Scrip Receipts as herein-before provided for, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bonds and Exchequer Bills on proving to the Satisfaction of the Commissioners for auditing the public Accounts that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bonds or Exchequer Bills to such Person or Officer, except for the Purpose of raising Money, to be paid to the Account of Her Majesty's Exchequer at the Bank of *England*, or to be exchanged for Scrip Receipts to be cancelled.

Appropriation.

XIV. It shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to direct the Issue and Application of any Monies paid into the Bank of *England* to the Account of Her Majesty's Exchequer under the Authority of this Act to any Services which shall have been or shall be voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in the present Session of Parliament, or to the purchasing of any Exchequer Bonds issued under the Authority of the Acts passed in the Session holden in the Sixteenth and Seventeenth Years of Her present Majesty, Chapters Twenty-three and One hundred and thirty-two, or of any Exchequer Bills charged on the Aids or Supplies of the Year One thousand eight hundred and fifty-four: Provided always, that if such Exchequer Bonds or Exchequer Bills so purchased shall be re-issued, the Monies arising from such Re-issue shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England:* Provided also, that an Account of the Application of any such Monies by Warrant of the said Commissioners shall be laid before both Houses of Parliament within Six Weeks after the Fifth Day of *April* One thousand eight hundred and fifty-five.

Bank of England may advance 4,000,000*l.* on the Credit of Bonds or Bills, and Commissioners of National Debt may invest Money in hand on account of

XV. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds and Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Four Millions; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompenses and Advantages in the said Act mentioned to such Persons as*

as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding; and also for the Commissioners for the Reduction of the National Debt to invest in the Purchase of Exchequer Bonds issued under the Authority of this Act any Monies in their Hands on account of Savings Banks.

Savings Banks in the Purchase of Bonds.

XVI. In case Proof shall be made, on the Oath or Oaths of One or more Witness or Witnesses, before the Lord Chief Baron and other the Barons of the Coif of Her Majesty's Court of Exchequer, or any of them, that any Exchequer Bond issued under this Act, and not paid off, shall by Casualty or Mischance have been burnt or otherwise destroyed, and if by such Oath or Oaths the Numbers and Sums of such Bond or Bonds shall be ascertained, and the said Chief Baron and other Barons, or any of them, before whom such Oath or Oaths shall be made, shall certify that he or they is or are satisfied with such Proof, then and in every such Case the Commissioners of the Treasury are hereby authorized to cause another Bond or other Bonds of equal Amount to be issued, in lieu of such Bond or Bonds so burnt or destroyed; provided the Person or Persons so receiving such new Bond or Bonds do give Security to the Queen, to the Satisfaction of the Commissioners of the Treasury, to deliver up to the Exchequer to be cancelled the Bond or Bonds so certified to be burnt or destroyed, if the same shall be thereafter found or produced, and to pay into the Receipt of the Exchequer, to the Use of the Public, all such Monies as shall have been paid out of the Exchequer as Principal or Interest on the new Bond or Bonds which may have been issued under this Provision.

Relief in case Exchequer Bonds should be accidentally destroyed.

XVII. If any Person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer Bond, or any Receipt or Certificate for Interest accruing thereon, issued under this Act, such Person shall be guilty of Felony, and upon Conviction thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Fourteen Years, or to be kept in Penal Servitude for Life or for any Term not less than Two Years.

Persons forging Exchequer Bonds, &c. guilty of Felony.

XVIII. Every Person who shall make, or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his Possession, not being legally authorized by the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury, and without lawful Excuse, (the Proof whereof shall lie on the Person accused,) any Instrument having therein any Words, Letters, Figures, Marks, Lines, or Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for Exchequer Bonds,

Punishing Persons manufacturing or using Paper, Plates, or Dies intended to imitate those used for Exchequer Bonds.

or

or any Machinery for working any Threads into the Substance of any Paper, or any such Thread, and intended to imitate such Words, Letters, Figures, Marks, Lines, Threads, or Devices, or any Plate peculiarly employed for printing Exchequer Bonds, or any Die peculiarly used for preparing any such Plate, or for sealing such Exchequer Bonds, or any Plate or Die intended to imitate such Plates or Dies respectively; and also every Person, except as before excepted, who shall make, or cause or procure to be made, or aid or assist in making, any Paper in the Substance of which shall appear any Words, Letters, Figures, Marks, Lines, Threads, or other Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for Exchequer Bonds, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same; and also every Person, except as before excepted, who shall knowingly have in his Possession without lawful Excuse (the Proof whereof shall lie on the Person accused) any Paper whatever in the Substance whereof shall appear any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or Devices, and intended to imitate the same, and also every Person, except as before excepted, who shall cause or assist in causing any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, to appear in the Substance of any Paper whatever, or who shall take or assist in taking any Impression of any such Plate or Die as aforesaid, shall be guilty of Felony.

Persons unlawfully having in possession Paper, Plates, or Dies to be used for Exchequer Bonds guilty of a Misdemeanor.

XIX. Every Person not lawfully authorized and without lawful Excuse (the Proof whereof shall lie on the Person accused) who shall purchase or receive or take and have in his Custody any Paper manufactured and provided by or under the Directions of the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury for the Purpose of being used as Exchequer Bonds before such Paper shall have been duly stamped, signed, and issued for public Use, or any such Plate or Die as aforesaid, shall for every such Offence be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court before whom he shall be tried, be imprisoned for any Period not more than Three Years nor less than Six Calendar Months.

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ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXIV.

An Act for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices.

[16th *June* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the Rate and Duty herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Increased Rate of Income Tax to be charged from 5th April 1854, in lieu of existing Rates

I. From and after the Fifth Day of *April* One thousand eight hundred and fifty-four, there shall be charged, raised, levied, collected, and paid yearly, unto and for the Use of Her Majesty, Her Heirs and Successors, in lieu of the Rates and Duties chargeable under the Act passed in the last Session of Parliament, Chapter Thirty-four, and of the

the Rates and Duties granted by an Act passed in the present Session of Parliament, Chapter Ten, for and in respect of all Property, Profits, and Gains chargeable under the said first-mentioned Act, the increased Rate and Duty of One Shilling and Twopence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively.

Duty to be assessed and raised under the Provisions of recited Acts.

II. The said Duty hereby granted shall be assessed, raised, levied, and collected under the Regulations and Provisions of the said Act passed in the last Session of Parliament, and of the several Acts therein mentioned or referred to, and all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution for assessing, raising, levying, collecting, receiving, accounting for, and securing the said Duty hereby granted, and otherwise relating thereto, as if the same were particularly repeated and re-enacted, *mutatis mutandis*, in the Body of this Act, with reference to the said Rate and Duty hereby granted.

Interest on Exchequer Bills how to be charged.

III. Provided always, That the Interest on Exchequer Bills which will become due and payable on the Twelfth Day of *June* One thousand eight hundred and fifty-four for the preceding Year shall be chargeable with the Rate or Duty of Sevenpence only for every Twenty Shillings thereof, computed up to and including the Fifth Day of *April* One thousand eight hundred and fifty-four, and with the Rate of One Shilling and Twopence for every Twenty Shillings thereof computed from the last-mentioned Day up to the Twelfth Day of *June* One thousand eight hundred and fifty-four: Provided also, that the Interest on Exchequer Bills which shall become due and payable in *June* next after the Termination of this Act and of the said Act of the last Session of Parliament respectively, or of the Duties granted by the said Acts respectively, shall be chargeable and shall be assessed up to the Day of Payment in *June*, in manner following; that is to say, on the Interest computed up to the Fifth Day of *April* next immediately preceding with the Rate of Duty which shall be in force and chargeable under the said Acts respectively on the said Fifth Day of *April*, and on the Interest computed from the said last-mentioned Day up to the said Day of Payment in *June* with the Rate of Duty which shall be in force and chargeable as aforesaid from and after the said Fifth Day of *April*; provided, that if the Duties by this and the said other Act respectively granted shall finally cease and determine on the said Fifth Day of *April*, then the

the said Interest for the whole Year up to the said Day of Payment in *June* shall be chargeable with the Rate of Duty in force on the said Fifth Day of *April* immediately preceding.

All Relief, Abatement, and Deduction to be proportionate to the increased Rate of Duty granted by this Act.

IV. Provided always, That in any Case where, under or by virtue of the said Act of the last Session of Parliament, or any Act or Acts therein recited or mentioned, any less Rate or Duty than the Rate of Sevenpence for every Twenty Shillings of the annual Value or Amount of any Property, Profits, or Gains would, if this Act and the said other Act of the present Session had not been passed, have been chargeable in the present Year, or where any Relief or Abatement or Deduction is by any such Act or Acts as aforesaid directed to be given, made, or allowed at or after any Rate in such Act or Acts specified or mentioned, then and in every such Case the Rate of Duty, or of such Relief, Abatement, or Deduction, to be charged, given, made and allowed respectively under this Act, shall be in the same Proportion to the Rate or Duty of One Shilling and Twopence for every Twenty Shillings granted by this Act as the Rate of Duty, Relief, Abatement, and Deduction respectively which in this present Year would have been chargeable, or given, made, or allowed in the like Cases respectively under the said Act of the last Session, bears to the Rate or Duty of Sevenpence for every Twenty Shillings granted by the said last-mentioned Act.

Copies of Poor Rates in Ireland to be transmitted to the Commissioners of Inland Revenue only when required by them.

V. And whereas by the said Act of the last Session of Parliament the Clerk of the Board of Guardians of every Poor Law Union in *Ireland* and the Collector of General Rates in the City of *Dublin* are respectively required, under a certain Penalty for any Neglect, to transmit to the Commissioners of Inland Revenue yearly within the Period in the said Act mentioned true Copies of the last Rates made for the Relief of the Poor, and it is found by Experience that the yearly Transmission of such Copies is for the most part unnecessary: Be it enacted, That Copies of the said Rates shall be transmitted at such Times only as they shall be required by the said Commissioners, and the Penalty imposed by the said Act for any Neglect to transmit such Copies shall attach and be incurred only for any Neglect to transmit the same in pursuance of any Requisition of the said Commissioners.

Commencement and Continuance of this Act.

VI. This Act shall commence and take effect from and after the Fifth Day of *April* One thousand eight hundred and fifty-four, and, together with the Duty therein contained, shall continue in force during the present War, and until the Sixth Day of *April* next after the Ratification of a Definitive Treaty of Peace, and no longer: Provided always, that if the Ratification of such Treaty shall take place

place at any Time before the Sixth Day of *April* One thousand eight hundred and fifty-nine, then on and from and after the Sixth Day of *April* next after the Ratification of such Treaty the said increased Rate and Duty by this Act granted shall cease, and in lieu thereof the several Rates and Duties granted by the said Act of the last Session of Parliament shall revive and be payable during so much of the respective Terms limited by the said last-mentioned Act as shall be then unexpired, as if this Act had not been passed.

Act to continue in force for Recovery of Arrears of Duty, &c.

VII. Provided always, That this Act, and the said Rate and Duty hereby granted, shall not cease at the Time herein-before appointed in that Behalf with respect to any Assessment which ought before then to have been made, but which shall not have been made and completed, nor with respect to any Duty which shall have been assessed and shall then remain unpaid, nor with respect to any Penalty before then incurred, nor with respect to any Deduction of the said Duty or any Portion thereof authorized by Law to be made out of any Rent, Interest, or other annual Payment, nor with respect to any Penalty for refusing to allow any such Deduction, although such Refusal may be after the Time appointed as aforesaid, nor with respect to the Assessment of the Interest on Exchequer Bills becoming due in the Month of *June* next after the Time appointed for the ceasing of the said Duty; but all the Powers and Provisions of this Act, and of the several Acts herein mentioned or referred to, shall continue in force for making and completing all such Assessments as aforesaid, and for levying and recovering the Duties so assessed or to be assessed, and all Arrears of such Duties, and also for re-assessing the same in default of Payment, and for making and allowing such Deduction as aforesaid, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred.

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ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. XXV.

An Act to amend the Industrial and Provident Societies Act, 1852. [16th *June* 1854.]

WHEREAS by the Industrial and Provident Societies Act, 1852, it is enacted, "that all the Provisions of the Laws "relating to Friendly Societies shall apply to every "Society to be constituted under the said Act, except in so far as "any such Provision might be expressly varied by the said Act, or "by any Rule expressly authorized to be made thereby:" And whereas it is expedient to vary the Provisions of such Laws in relation to Societies registered under the Act aforesaid, so far as concerns the Manner in which legal Proceedings shall be carried on in any Matter concerning any such Society: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Suits to be carried on in the Name of One of the Officers of any Society to be appointed for that Purpose.

I. After the passing of this Act, no Suit or Proceeding shall be commenced or prosecuted by or against the Trustees of any Society registered under the Industrial and Provident Societies Act, 1852, except in the Case herein-after provided; but all Suits and Proceedings, whether at Law, in Equity, or in Bankruptcy or Sequestration, or otherwise howsoever, as well in *Great Britain* and *Ireland* as in

in the Colonies and Dependencies thereof, by or on behalf of any such Society, against any Person or Persons, whether Bodies Politic or others, and whether Members or not of such Society, shall be commenced and prosecuted in the Name of One of the Two Officers for the Time being appointed to sue and be sued on behalf of such Society, and registered in pursuance of the Directions for such Appointment and Registration respectively herein-after contained; and all Suits and Proceedings, whether at Law or in Equity, or by or on behalf of any Person or Persons, whether Bodies Politic or others, and whether or not Members of such Society, against such Society, shall be commenced and prosecuted against such Officers, or if there shall be no such Officer for the Time being, then against the Trustees of the said Society.

Officers to be appointed to sue and be sued on behalf of Society, and their Names, &c. to be returned to Registrar of Friendly Societies.

II. Every such Society shall, within One Calendar Month after the passing of this Act, appoint Two Officers to sue or be sued on behalf thereof in manner aforesaid, and make or cause to be made a Return to the Registrar of Friendly Societies of the Names and Descriptions of the Officers so appointed; and every such Society may from Time to Time remove any Officer so appointed; and in case of the Death, Resignation, or Removal of any such Officer the said Society shall, within One Calendar Month thereafter, appoint in his Stead another Officer to sue and be sued on behalf of such Society, and make or cause to be made a Return to the said Registrar as aforesaid containing as well the Name and Description of the Person who has ceased to be such Officer in manner aforesaid as the Name and Description of the Officer who has been appointed in his Stead to sue and be sued on behalf of such Society; and every such Return shall be signed by Three Members of such Society, and countersigned by the Officers or Officer so appointed, and shall be kept with the Rules of the Society; and in case any Society should neglect or refuse to appoint any Officers or Officer to sue and be sued as aforesaid, the Trustees of such Society, or the Majority of them, may appoint any Members or Member of such Society to be such Officers or Officer, and shall forthwith make such Return as last aforesaid under the Hand of such Trustees and such Officers or Officer; and every Appointment so made shall be as effectual for all the Purposes of this Act as if it had been made by such Society.

Form of Return.

In default of Appointment as aforesaid, Trustees of Society may appoint such Officers, and make Returns.

Returns to be certified, and Certificates to be Evidence.

III. Any Person shall be at liberty to require a Copy of such Return to be certified by the Registrar; and there shall be paid for such Certificate a Fee of One Shilling and Sixpence, and no more; and the Day of the Registration of every Return to be made in pursuance of this Act shall be written on such Return by the said Registrar; and a Copy so certified as aforesaid of such Return, including

cluding the Date to be marked thereon, shall be received in Evidence in all Proceedings, whether Civil or Criminal, and shall also be received as Evidence of the Day of the registering thereof.

IV. No Action, Suit, or Proceeding, whether Civil or Criminal, commenced either by or against any such Society, (whether in the Name of One of the Officers appointed to sue and be sued as aforesaid, or of some Member of such Society, in the Case and in manner aforesaid,) shall be abated or prejudiced by the Death or by any Act of such Officer, or Person, or by the Resignation or Removal of such Officer either before or after the Commencement of such Action, Suit, or Proceeding, or by any Change in the Members of such Society, but the same shall be continued in the Name of such Officer or Member (as the Case may be), notwithstanding such Death or Act, or such Resignation or Removal, and notwithstanding such Change in the Members of such Society.

Proceedings commenced in Name of Officer not to be abated by his Death, &c., or by Change of Members of Society.

V. All Judgments, Decrees, Interlocutors, and Orders obtained in any such Actions, Suits, or other Proceedings as aforesaid, against such Officer or Member, in manner aforesaid, whether such Member or Officer respectively be Party to such Actions, Suits, or Proceedings as Plaintiff, Pursuer, Petitioner, or Defendant or Defender, shall have the same Effect against the Property and Effects of such Society as if such Judgments, Decrees, Interlocutors, or Orders had been obtained in Suits or Proceedings against the Trustees of such Society, and Execution or Diligence shall be issued thereon accordingly.

Effect of Judgments, &c. against the Society.

VI. The Bankruptcy, Insolvency, or stopping Payment of any Officer or Member of such Society in his individual Capacity shall not be construed to be the Bankruptcy, Insolvency, or stopping Payment of such Society; and the Property and Effects of such Society shall, notwithstanding such Bankruptcy, Insolvency, or stopping Payment, be liable to Execution or Diligence in the same Manner as if such Bankruptcy, Insolvency, or stopping Payment had not taken place.

Bankruptcy, &c. of Officer not to affect Liability of Society.

VII. In all Cases wherein it may be necessary for any Person to serve any Summons, Demand, or Notice, or any Writ or other Proceeding, at Law or in Equity, or otherwise, upon any such Society, Service thereof respectively on the Secretary of the said Society, or by leaving the same at the Head Office for the Time being of the said Society, or in case such Secretary shall not be found or known, then Service thereof on any Agent or Officer employed by the said Society, or by leaving the same at the usual Place of Abode of such

Service of Process on Society.

such Agent or Officer, shall be deemed good and sufficient Notice of the same respectively on such Society.

Dissolution of Society not to prevent winding up of its Affairs.

VIII. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such Society may do all Things necessary to the winding-up of the Concerns thereof, and that it may be sued and sue under the Provisions of this Act in respect of all Matters relating to such Society.

Suits pending against Trustees to be carried on against Officers appointed as aforesaid.

IX. When any Action, Suit, or Prosecution shall, at the passing of this Act, be pending by or on behalf of or against the Trustee or Trustees of any Society, the same shall and may be proceeded in by or against such Registered Officer as aforesaid, in the proper Name or Names of the Person or Persons commencing or defending the same; and such Officer shall pay or receive like Costs as if the Action or Suits had commenced in his or their Name or Names for the Benefit of or to be reimbursed from the Funds of such Society.

Provisions of Friendly Societies Act incapacitating Trustees from suing till they shall have made to the Registrar a Financial Statement of Society's Affairs not to apply.

X. The Provisions of the Laws relating to Friendly Societies whereby the Trustees of any Society are declared incapable of prosecuting any Action or Proceeding in any Court of Law or Equity on behalf of such Society, until they shall have duly furnished to the Registrar a general Statement of the Funds and Effects of such Society, shall not apply to the Prosecution of any Action or other Proceeding by the Registered Officer of any Society registered under the Industrial and Provident Societies Act, 1852.

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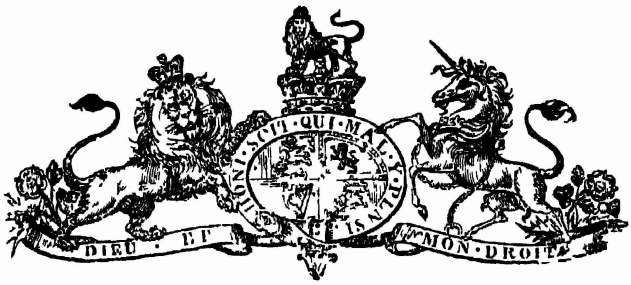

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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reasonable that they should be extended to that Part of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the First Day of *August* One thousand eight hundred and fifty-four the Enactments in the said Act passed in the Session of the Parliament of *Great Britain* held in the Seventh Year of the Reign of Her late Majesty Queen *Anne* contained and herein-before recited shall extend and apply to *Ireland*, and that as fully and effectually as if the same Enactments were here repeated.

Provisions of 7 Anne, c. 21. extended to Ireland.

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Allowances and Drawbacks in Schedules (B.) and (D.)

said Schedules; and there shall be made, allowed, and paid for or in respect of the Goods and Commodities mentioned and described in the several Schedules marked respectively (B.) and (D.) hereunto annexed, the several Allowances and Drawbacks of Excise, as the same are respectively inserted, described, and set forth in the said last-mentioned Schedules; and the said Duties, Allowances, and Drawbacks respectively shall commence and take effect from the respective Days mentioned in the said Schedules or this Act respectively in Cases where special Dates are inserted, and in Cases where no Date is inserted the same shall commence and take effect from and after the passing of this Act.

The Duties by this Act granted on Malt to continue during the War only.

II. The Duties by this Act granted on Malt shall continue and be charged and paid during the present War, and until and upon the Fifth Day of *July* next after the Ratification of a definitive Treaty of Peace, and no longer: Provided always, that upon the ceasing of the said Duties on the Event and at the Time aforesaid the Duties of Excise on Malt, and the several Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, and granted or payable respectively under the several Acts in force in that Behalf immediately before the passing of this Act, shall revive, and be charged and allowed respectively in lieu of the Duties, Allowances, and Drawbacks by this Act granted upon or in respect of Malt, as if this Act had not been passed.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

III. The said several Duties, Allowances, and Drawbacks of Excise by this Act granted and imposed and allowed respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, applied, and allowed respectively in such and the like Manner, and by the same Means, Ways, and Methods by which other Duties, Allowances, and Drawbacks of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, raised, levied, collected, recovered, allowed, paid, and applied; and all Acts relating to the Duties, Allowances, and Drawbacks of Excise respectively, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act or Acts for securing the Duties of Excise or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties, Allowances, and Drawbacks hereby granted, imposed, and allowed respectively, in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains,

Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties, Allowances, and Drawbacks hereby respectively granted, imposed, and allowed as aforesaid.

Maltsters, Brewers, &c. to give an Account of the Malt in their Possession on 8th May 1854, and Maltsters to give a like Account of the Malt made and disposed of by them within One Month previous to that Day, stating certain Particulars of Sale.

IV. Every Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, and every other Person who, in trust for or for the Use, Benefit, or Account of any such Person as aforesaid, had in his Custody or Possession, or in his House, Outhouse, Barn, Granary, or in any other Place whatsoever, upon the Eighth Day of *May* One thousand eight hundred and fifty-four, any Parcel or Quantity of Malt whatsoever, ground or unground, shall, within Ten Days next after the passing of this Act, give a true and particular Account thereof in Writing at the Office of Excise within the Limits of which he shall then inhabit; and every Maltster or Maker of Malt shall in like Manner give such Account of the Disposal of all the Malt which he shall have made or had in his Possession on or within One Calendar Month preceding the Eighth Day of *May* One thousand eight hundred and fifty-four, specifying the Quantity of Malt and the Date of each and every Delivery thereof, and the Name and Residence of the Person to whom the same respectively was sold or delivered, and the Place at which the same respectively was delivered, upon pain of forfeiting the Sum of One hundred Pounds, or Forty Shillings for every Bushel of such Malt, at the Election of the Attorney General or the Person who shall sue or prosecute for the same, for every Neglect or Default therein; and the Malt belonging to any Person by whom any such Account ought to be given, and of which no such Account as aforesaid or of which a false Account shall be given, shall be forfeited, and shall and may be seized by any Officer of Excise; and the Duty by this Act imposed on Malt Stock in hand shall be payable and paid on or before the Fifth Day of *July* One thousand eight hundred and fifty-four, unless Security be given to the Satisfaction of the Commissioners of Inland Revenue for Payment of the same by Instalments at the Times and in manner following; (that is to say,) One Eighth Part thereof on the Twenty-fourth Day of *July* One thousand eight hundred and fifty-four, One other Eighth Part thereof on the Fourth Day of *September* One thousand eight hundred and fifty-four, One other Eighth Part thereof on the Twenty-third Day of *October* One thousand eight hundred and fifty-four, Two Eighth Parts thereof on the Fourth Day of *December* One thousand eight hundred and fifty-four, and Three Eighth Parts, the Remainder thereof, on the Twenty-fourth Day of *January* One thousand eight hundred and fifty-five; and every such Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, who shall refuse or neglect

Penalty for Default.

Duty on Malt Stock in hand, when to be payable.

Penalty for Refusal.

neglect to make such Payments or any of them for his Stock of Malt at such Time or Times respectively, shall forfeit double the Amount of all the Duties charged or chargeable for or in respect of such Stock of Malt, or One hundred Pounds, at the Election of Her Majesty's Attorney General, or the Person who shall sue or prosecute for the same.

Officers of Excise may enter Premises of Maltsters, &c. to take an Account of Malt in Stock.

V. It shall be lawful for the Officers of Excise respectively to take a true and particular Account and Admeasurement of all such Malt as any Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or any Person in trust for or for the Use, Benefit, or Account of any such Person as aforesaid, shall have had, or been possessed of or interested in, on the said Eighth Day of *May* One thousand eight hundred and fifty-four, or at any Time since, or shall have or be possessed of or interested in at any Time within One Calendar Month next after the passing of this Act, and for that Purpose to enter into any Dwelling House, Outhouse, Barn, Granary, or other Place whatsoever belonging to every or any such Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or other such Person as aforesaid, and every such Person is hereby required to permit and suffer such Officer or Officers, at any Time before the Duty upon such Malt shall be paid, to enter and take an Account and Admeasurement thereof, and for that Purpose to cast such Malt into a regular Form, for the better ascertaining the Quantity thereof; and if any such Person as aforesaid shall refuse to permit or suffer any Officer of Excise so to do, or if any Person shall obstruct, oppose, molest, or hinder any Officer of Excise in the due Execution of such Powers hereby given, or shall use or permit or suffer to be used any Means, Art, or Contrivance by which any Officer may be deceived, hindered, or obstructed in ascertaining or taking a true Account of the actual Quantity of all such Malt, such Person so offending shall forfeit One hundred Pounds, or Forty Shillings for every Bushel of such Malt, at the Election of Her Majesty's Attorney General or the Person who shall sue or prosecute for the same, for every such Offence; and if any Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or any other Person having in his Custody or Possession any Quantity of Malt chargeable by this Act with the said Duty or Duties or any Part thereof for Stock in hand as aforesaid, shall have clandestinely removed or carried away or caused or suffered to be removed or carried away the same or any Part thereof before the Duties thereupon shall be charged, or shall fraudulently conceal or hide or cause or suffer to be concealed or hidden, or shall not produce to the Inspection of the Officer of Excise such Malt and every Part thereof, then and in

Penalty on not suffering Officers to take Stock, or molesting them in the Execution of their Duty, or for clandestinely removing Malt, &c.

in every such Case the Person so offending shall forfeit the Sum of One hundred Pounds, or Forty Shillings for every Bushel of such Malt, at the Election of Her Majesty's Attorney General or the Person who shall sue or prosecute for the same, and the Malt which shall have been so clandestinely removed or carried away or fraudulently concealed or hidden shall be forfeited, and shall and may be seized by any Officer of Excise, and the Person in whose Custody or Possession such Malt shall be found who shall not before the Discovery thereof give Notice at the next Office of Excise of the Quantity of Malt so in his Custody or Possession shall also forfeit the like Amount or Rate of Penalty.

Allowance to be deducted from the Amount taken of the Malt Stock in hand for the Increase.

VI. On all unscreened and unground Malt in the Possession of any Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or any Person in trust for or for the Use, Benefit, or Account of any such Person as aforesaid, and which shall be taken account of by any Officer of Excise, and charged with the Duty on Malt Stock in hand hereby imposed, there shall be allowed and deducted from such Account, previously to such Charge of Duty, Twenty *per Centum* on all Brown or Porter Malt, and on all roasted or Black Malt, and Seven and a Half *per Centum* on all other unscreened and unground Malt.

Additional Duties to be added to the Articles contracted for.

VII. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Excise are by this Act granted and imposed, which Contracts or Agreements may have been made with no Reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof, be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

Penalty for untruly stating the original Gravity of Beer entered for Exportation, or claiming a higher Rate

VIII. If, on the Exportation of any Beer, or on the shipping or Entry thereof for Exportation, or on giving Notice of Intention to ship or enter the same for Exportation, any Person shall state or represent the original Gravity of the Worts used in the brewing of such Beer to have been of greater Specific Gravity than the actual Gravity thereof before Fermentation, or if any Person shall, on any such Occasion as aforesaid, claim any higher Rate or greater Amount of Drawback in

 respect

of Drawback than entitled to.

Proof of the original Gravity to lie on the Claimant.

respect of such Beer than he shall be by Law justly entitled to claim for the same, every Person so offending in any such Case shall forfeit the Sum of Fifty Pounds, over and above all other Penalties and Forfeitures for any such Offence; and if any Question shall arise as to the Specific Gravity of such Worts, the Proof of the actual Specific Gravity thereof before Fermentation shall lie on the Person shipping or entering such Beer for Exportation or claiming the Drawback thereon.

As to Amount to be repaid on Removal of Malt Spirits from Scotland to England or Ireland.

IX. Upon the Removal to *England* or *Ireland* for Consumption there of Spirits distilled in *Scotland* from Malt only, One Half only of the Allowance granted and made on such Spirits under this Act shall be repaid by the Distiller or Proprietor of such Spirits.

Spirits distilled from Malt in England and Ireland may be delivered for Consumption there on Repayment of Half the Malt Allowance, or for Consumption in Scotland without Repayment.

X. Any Spirits distilled in *England* or *Ireland* from Malt only, and on which the Allowance granted by this Act has been made as for Exportation or Use as Ships Stores, may be delivered for Consumption in *England* and *Ireland* respectively on Repayment by the Distiller of One Half of such Allowance; and any such Spirits as aforesaid may be removed from a Duty-free Warehouse in *England* or *Ireland* to a Duty-free Warehouse in *Scotland*, and delivered for Consumption there, without Repayment of such Allowance or any Part thereof.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

DUTIES

MALT.

	Duties. £	s.	d
For and upon every Bushel, Imperial Standard Measure, and so in proportion for any greater or less Quantity, of Malt, which, after the Eighth Day of May One thousand eight hundred and fifty-four, shall be made, in any Part of the United Kingdom of Great Britain and Ireland, from Barley or any other Corn or Grain (except Malt made for Home Consumption in Scotland and Ireland respectively from Bear or Bigg only), or which, after the said Day, shall be brought from Scotland into England without a Certificate from the proper Officer that it hath paid the full Duty of Excise imposed thereon by Law, or which, after the said Day, shall be brought from Ireland into England without such Certificate, in lieu of all other Duties of Excise now payable under any Act or Acts in force, the Duty of - - - - - - -	0	4	0
And for and upon every Bushel, Imperial Standard Measure, and so in proportion for any greater or less Quantity, of Malt, which, after the said Day, shall be made from Bear or Bigg only in Scotland and Ireland respectively, for Home Consumption there, in lieu of all such other Duties of Excise as aforesaid, the Duty of - - - - - -	0	3	1
And for and upon every Bushel of Malt, whether ground or unground, belonging to any Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, and which, on the Eighth Day of May One thousand eight hundred and fifty-four, shall be either in his Custody or Possession or in the Custody or Possession of any other Person in trust for him, or for his Use, Benefit, or Account, in England, Scotland, or Ireland, the following additional Duty over and above all other Duties of Excise paid or payable thereon under any other Act or Acts now in force, that is to say, an additional Duty after the Rate of - - -	0	1	3½
Provided always, that if such last-mentioned Malt shall be in Scotland or Ireland, and shall have been made, for Home Consumption there, from Bear or Bigg only, then an additional Duty only after the Rate per Bushel of - - -	0	1	0

SPIRITS

SPIRITS.

SCOTLAND and IRELAND

	Duties £	s.	d.
For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which, on or after the Eighth Day of May One thousand eight hundred and fifty-four, shall be distilled in Scotland and Ireland respectively, or be in the Stock, Custody, or Possession of any Distiller in Scotland or Ireland, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled in England, Scotland, or Ireland, shall on or after the said Day be in Warehouse in Scotland or Ireland, and be taken out of Warehouse for Consumption in Scotland or Ireland, or which, having been taken out of Warehouse in England for Removal to Scotland or Ireland, shall on or after the said Day be brought into Scotland or Ireland, the additional Duty following; that is to say,			
In Scotland, the additional Duty of - - -			
In Ireland, the additional Duty of - - - -			

And so in proportion for any greater or less Degree of Strength, or any greater or less Quantity.

CHANNEL ISLANDS.

For and upon every Gallon of Spirits of the Nature or Quality of plain British Spirits, of the Strength of Hydrometer Proof, manufactured or distilled in the Islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported from any of the said Islands into Scotland or Ireland, the following countervailing Duties to be charged and paid on and after the Eighth Day of May One thousand eight hundred and fifty-four, that is to say,

If imported into Scotland - - - - - - -			10
If imported into Ireland - - - - - - -			2

And so in proportion for any greater or less Degree of Strength, or any greater or less Quantity of such Spirits imported into Scotland and Ireland respectively.

In lieu of the countervailing Duties of Excise now chargeable on such last-mentioned Spirits under any other Act or Acts in force.

SPIRIT MIXTURES

For and upon the several Mixtures, Compounds, Preparations, and Commodities next herein-after enumerated or described which, on or after the Eighth Day of May One thousand eight hundred and fifty-four, shall be removed from Scotland or Ireland to England, or from Ireland to Scotland, the several Sums of Money and Duties of Excise herein-after respectively inserted and set forth, in lieu of the respective Duties of Excise now payable thereon under any other Act or Acts in force; that is to say,

Excise Duties.

Articles enumerated For every Gallon thereof removed.	Countervailing Duties. From Scotland to England.			From Ireland to England.			From Ireland to Scotland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Ether	0	5	5	0	9	7	0	4	2
Sweet Spirits of Nitre Camphorated Spirits Lavender Water, and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients Compound Spirits of Lavender Spirits of Rosemary Spirits of Ammonia Sal Volatile Friar's Balsam Compound Tincture of Benzoin Tincture of Assafœtida Tincture of Castor Tincture of Kino Tincture of Guiacum Tincture of Myrrh Tincture of Ginger Spirit Varnishes	0	3	3	0	5	9	0	2	6
Other Tinctures and Medicated Spirits	0	2	2	0	3	10	0	1	8
Made Wines	0	0	3¼	0	0	5½	0	0	2½

SUGAR,

Used in the Brewing of Beer.

	Duty. £	s.	d.
For and upon every Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight, of all Sugar which after the Tenth Day of May One thousand eight hundred and fifty-four shall be used by any Brewer of Beer for Sale in the brewing or making of Beer	0	5	2

In lieu of the Duty of Excise chargeable on such Sugar under the Third Section of the Act 13 & 14 Vict. c. 67., but over and above all other Duties, whether of Excise or Customs.

SCHEDULE (B.)

ALLOWANCES AND DRAWBACKS.

	Allowance or Drawback. £	s.	d.
For and upon every Gallon of Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity or any greater or less Degree of Strength, distilled in Scotland from Malt only, which shall be mashed on or after the Eighth Day of May One thousand eight hundred and fifty-four, and which Spirits shall be distilled at the Rate of Two Gallons			

	Allowance or Drawback £	s.	d.
of such Spirits for every Bushel of Barley Malt, or One Bushel and Three Tenth Parts of a Bushel of Malt made from Bear or Bigg, the Allowance of - - - - - -	0	1	4
In lieu of all Allowances granted on such Spirits by any other Act or Acts now in force.			
Provided always, that if the Quantity of Malt mashed and used in the Production of such Spirits shall be less than after the Rate of One Bushel of Barley Malt, or One Bushel and Three Tenth Parts of a Bushel of Malt made from Bear or Bigg, for every Two Gallons of Proof Spirits charged with Duty a Deduction from the Amount of such Allowance shall be made after the Rate of Four Shillings for every Bushel of Barley Malt, and every Bushel and Three Tenth Parts of a Bushel of Bear or Bigg Malt, which shall respectively be so deficient			
And for and upon such Spirits distilled in Scotland from Malt only, and on which the Allowance aforesaid shall have been made, and which said Spirits shall be duly removed from Warehouse for Exportation or for Use as Ships Stores, and be duly exported or shipped as Stores under and according to the Laws and Regulations of Customs in such respect, over and above the Allowance aforesaid, and in lieu of the Drawback granted and payable under the Eleventh Section of the Act 11 & 12 Vict. c. 122., for every Gallon of such Spirits actually exported or shipped as Stores as aforesaid, a Drawback of -	0	0	8
And for and upon every Gallon of Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity, or any greater or less Degree of Strength, distilled in England or Ireland for Exportation only or for Use as Ships Stores, from Malt only, mashed on or after the said last-mentioned Day, in lieu of the Allowance on such Spirits granted and payable under the Thirteenth Section of the Act 11 & 12 Vict. c. 122., an Allowance of - - -	0	1	4
And for and upon such Spirits distilled in England or Ireland from Malt only, and which shall be duly removed from Warehouse for Exportation or for Use as Ships Stores, and be duly exported or shipped as Stores under and according to the Laws and Regulations of the Customs in such respect, over and above the Allowance aforesaid, and in lieu of the Drawback granted and payable under the said Thirteenth Section of the Act 11 & 12 Vict. c. 122., for every Gallon of such Spirits actually exported or shipped as Stores as aforesaid, a Drawback of -	0	0	8
And for and upon all British Spirits distilled or made from any other Materials than Malt only, such Materials being mashed on or after the Eighth Day of May One thousand eight hundred and fifty-four, and which Spirits shall have been duly warehoused in any Warehouse in the United Kingdom, and removed therefrom for Exportation or for Use as Ships Stores, in lieu of the Drawback granted and payable under the Fourteenth Section of the said Act 11 & 12 Vict c. 122., for every Gallon at Proof of such Spirits actually exported or shipped as Stores as aforesaid, a Drawback of - .	0	0	2
And for and in respect of all Sugar and Molasses actually received and used on or after the Eighth Day of May One thousand eight hundred and fifty-four, in the brewing or making of Worts or Wash brewed or made from Sugar only, or from			

Allowance or Drawback £ s. d.

Molasses only, or from any Mixture of these Materials and Treacle, or Malt or Grain, and distilled into Spirits by any Distiller in England, Scotland, or Ireland, an Allowance after the Rate of Fifteen per Centum on the Amount of the Allowances granted in respect of such Sugar and Molasses respectively, and specified in the respective Schedules (A.) and (B.) annexed to the Act 11 & 12 Vict. c. 100, in addition to such Allowances respectively.

And for and upon all Mixtures, Compounds, Preparations, and Commodities next herein-after enumerated or described, which, on or after the Eighth Day of May One thousand eight hundred and fifty-four, shall be removed from England to Scotland or Ireland, or from Scotland to Ireland, the several Drawbacks of Excise respectively herein-after inserted and set forth, in lieu of the respective Drawbacks of Excise now payable thereon under any other Act or Acts in force; that is to say,

Articles enumerated. For every Gallon thereof removed	Countervailing Drawbacks. From England to Scotland. £	s.	d.	From England to Ireland. £	s.	d	From Scotland to Ireland £	s.	d.
Ether	0	5	5	0	9	7	0	4	2
Sweet Spirits of Nitre Camphorated Spirits Lavender Water, and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients Compound Spirits of Lavender Spirits of Rosemary Spirits of Ammonia Sal Volatile Friar's Balsam Compound Tincture of Benzoin Tincture of Assafœtida Tincture of Castor Tincture of Kino Tincture of Guiacum Tincture of Myrrh Tincture of Ginger Spirit Varnishes	0	3	3	0	5	9	0	2	6
Other Tinctures and Medicated Spirits	0	2	2	0	3	10	0	1	8
Made Wines	0	0	3¼	0	0	5½	0	0	2¼

And for and upon every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity, of Beer brewed or made after the Eighth Day of May One thousand eight hundred and fifty-four by any entered or licensed Brewer of Beer for Sale in the United Kingdom, in the brewing of which Beer the Worts used before Fermentation were of the Specific Gravity herein-after mentioned, and which shall be duly exported from any Part of the United Kingdom to Foreign Parts as Mer-

chandise, in lieu of all other Drawbacks on such Beer granted by any other Act or Acts now in force, the Drawback hereinafter specified and set forth; that is to say, when the original Gravity of such Worts was not less than

Specific Gravity	Drawback. £	s.	d.
1·041	0	6	0
1·054	0	8	0
1·068	0	10	0
1·081	0	12	0
1·095	0	14	0
1·108	0	16	0
1·122	0	18	0

SCHEDULE (C.)

DUTIES.

SPIRITS (SCOTLAND).

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof, which on or after the Twenty-sixth Day of May One thousand eight hundred and fifty-four shall be distilled in Scotland, or be in the Stock, Custody, or Possession of any Distiller in Scotland, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled in England, Scotland, or Ireland, shall on or after the last-mentioned Day be in Warehouse in Scotland, and be taken out of Warehouse for Consumption in Scotland, or which, having been taken out of Warehouse in England for Removal to Scotland, shall on or after the said last-mentioned Day be brought into Scotland, the additional Duty of Fourpence, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity of such Spirits, to be charged and paid in addition to all Duties thereon payable under any other Act or Acts in force, and in addition also to the Duty thereon contained in Schedule (A.) of this Act.

Channel Islands.

For and upon all Spirits of the Nature or Quality of plain British Spirits, manufactured or distilled in the Islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported from any of the said Islands into Scotland, an additional countervailing Duty of Fourpence for every Gallon of such last-mentioned Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity of such Spirits, to be charged and paid on and after the Twenty-sixth Day of May One thousand eight hundred and fifty-four, in addition to the countervailing Duty thereon contained in Schedule (A.) of this Act

SPIRIT MIXTURES.

For and upon the several Mixtures, Compounds, Preparations, and Commodities herein-after enumerated or described, which on or after the Twenty-sixth Day of May One thousand eight hundred and fifty-four shall be removed from Scotland or Ireland to England, or from Ireland to Scotland, the several Sums of Money and Duties of Excise herein-after respectively inserted and set forth to be charged and paid in lieu of the respective Duties thereon contained in Schedule (A.) of this Act; (that is to say,)

Articles enumerated. For every Gallon thereof removed.	Countervailing Duties. From Scotland to England.			From Ireland to England.			From Ireland to Scotland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Ether	0	4	7	0	9	7	0	5	0
Sweets Spirits of Nitre Camphorated Spirits Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients Compound Spirits of Lavender Spirits of Rosemary Spirits of Ammonia Sal Volatile Friar's Balsam Compound Tincture of Benzoin Tincture of Assafœtida Tincture of Castor Tincture of Kino Tincture of Guiacum Tincture of Myrrh Tincture of Ginger Spirit Varnishes	0	2	9	0	5	9	0	3	0
Other Tinctures and Medicated Spirits	0	1	10	0	3	10	0	2	0
Made Wines	0	0	2¾	0	0	5½	0	0	3

SCHEDULE (D.)

ALLOWANCES AND DRAWBACKS.

For and in respect of all Sugar and Molasses actually used after the Fifth Day of July One thousand eight hundred and fifty-four in the brewing or making of Worts or Wash brewed or made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle or Malt or Grain, and distilled into Spirits by any Distiller in England, Scotland, or Ireland, an Allowance after the Rate of Nine Shillings and Fourpence for every One hundred and twelve Pounds of Sugar so used, and after the Rate of Three Shillings and Twopence Halfpenny for every One hundred and twelve Pounds of

Excise Duties.

Molasses so used, to be allowed and paid in lieu of the Allowances in respect of such Sugar and Molasses respectively contained in Schedule (B.) of this Act.

For and upon all Mixtures, Compounds, Preparations, and Commodities next herein-after enumerated or described, which on or after the Twenty-sixth Day of May One thousand eight hundred and fifty-four shall be removed from England to Scotland or Ireland, or from Scotland to Ireland, the several Drawbacks of Excise herein-after inserted and set forth to be allowed and paid in lieu of the respective Drawbacks thereon contained in Schedule (B.) of this Act; that is to say,

Articles enumerated. For every Gallon thereof removed.	Countervailing Drawbacks. From England to Scotland.			From England to Ireland.			From Scotland to Ireland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Ether	0	4	7	0	9	7	0	5	0
Sweet Spirits of Nitre Camphorated Spirits Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients Compound Spirits of Lavender Spirits of Rosemary Spirits of Ammonia Sal Volatile Friar's Balsam Compound Tincture of Benzoin Tincture of Assafœtida Tincture of Castor Tincture of Kino Tincture of Guiacum Tincture of Myrrh Tincture of Ginger Spirit Varnishes	0	2	9	0	5	9	0	3	0
Other Tinctures and Medicated Spirits	0	1	10	0	3	10	0	2	0
Made Wines	0	0	2¾	0	0	5½	0	0	3

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXVIII.

An Act to alter and amend certain Duties of Customs. [3d *July* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties of Customs herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties now chargeable on Articles herein mentioned to cease, and following Duties to be charged

1. The Duties of Customs now chargeable on the Articles next herein-after mentioned imported into *Scotland* and *Ireland* shall cease and determine, and in lieu thereof the following Duties of Customs shall be charged, on and after the Eighth Day of *May* One thousand eight hundred and fifty-four; *viz.*

SPIRITS OR STRONG WATERS.

For every Gallon of such Spirits or Strong Waters of any Strength not exceeding the Strength of Proof by *Sykes'* Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, *viz.* Spirits or Strong Waters the Produce of any *British* Possession in *America*, or the Island of *Mauritius*, not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer:—

	Duty per Gallon.		
	£	s.	d.
Rum:—			
If imported into *Scotland* - - -	0	6	0
If imported into *Ireland* - - -	0	4	4
Spirits other than Rum:—			
If imported into *Scotland* - - -	0	6	0
If imported into *Ireland* - - -	0	4	4

Rum, the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, in regard to which the Conditions of the Act of the Fourth *Victoria*, Chapter Eight, have or shall have been fulfilled, not being sweetened Spirits or Spirits so mixed as aforesaid:—

If imported into *Scotland* - - -	0	6	0
If imported into *Ireland* - - -	0	4	4

Rum Shrub, however sweetened, the Produce of and imported from such Possessions qualified as aforesaid, or of and from any *British* Possession in *America*, or the Island of *Mauritius*:—

If imported into *Scotland* - - -	0	6	0
If imported into *Ireland* - - -	0	4	4

Additional Duty of Customs on Sugar.

II. On and after the Ninth Day of *May* One thousand eight hundred and fifty four, there shall be charged on all Sugar, in addition to the Duty payable by Law thereon, a further Duty of Customs of Fifteen Pounds *per Centum* upon the Produce and Amount of the Duty so payable.

Additional Duty of Customs on Molasses.

III. On and after the Tenth Day of *May* One thousand eight hundred and fifty-four there shall be charged on Molasses, in addition to the Duty payable by Law thereon, a further Duty of Customs of Fifteen Pounds *per Centum* upon the Produce and Amount of the Duty so payable.

And

And as to pre-existing Contracts:

IV. Every Person who may, before the Day on which the Duty under this Act is made payable on any of the said Articles, have entered into any Contract or Agreement for the Delivery of any such Article on or after the Day on which such Duty is made payable on such Article, is hereby empowered to add to the contracted Price of such Article such a Sum of Money as will be equivalent to the increased or further Duty, as the Case may be, by this Act made payable thereon, and shall be entitled by virtue of this Act to be paid for the same accordingly. As to Pre-existing Contracts.

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VICTORIÆ REGINÆ.

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Customs Duties (Sugar and Spirits).

	s.	d.
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed, for every Hundredweight - -	12	0
Brown Muscovado, or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar, for every Hundredweight - - -	11	0
Molasses, for every Hundredweight - - -	4	3

Commissioners of Customs to provide Standard Samples of White Clayed Sugar and Brown Clayed Sugar.

II. For facilitating the due Assessment of Duties on White Clayed Sugar, or Sugar rendered by any Process equal to White Clayed, and on Yellow Muscovado, Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed Sugar, with reference to Colour, Grain, and Saccharine Matter, considered collectively as they affect the general Quality of such Sugars, the Commissioners of Customs shall provide and renew from Time to Time Samples of White Clayed Sugar and of Sugar rendered equal in Quality to White Clayed Sugar, and of Yellow Muscovado or Brown Clayed Sugar, which shall be deemed to be Standard Samples for the Purpose of comparing therewith Sugars entered for Home Consumption, and no Sugar shall as regards the Payment of Duty be deemed to be White Clayed Sugar or Sugar rendered by any Process equal to White Clayed Sugar, unless equal to the Standard Samples of White Clayed Sugar or of Sugar rendered equal in Quality to White Clayed Sugar, or be deemed to be Yellow Muscovado or Brown Clayed Sugar, or Sugar rendered by any Process equal to Yellow Muscovado or Brown Clayed Sugar, unless equal to the Standard Sample of Yellow Muscovado or Brown Clayed Sugar: It shall also be lawful for the Commissioners of Customs, if the Commissioners of Her Majesty's Treasury shall so direct, to furnish separate Samples for the Assessment of the Duties on Yellow Muscovado and on Brown Clayed Sugars, and also for the Assessment of the Duties upon Refined Sugar.

Drawbacks on Refined Sugar exported to the Isle of Man.

III. In lieu of the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, the following Bounties or Drawbacks shall be allowed, from and after the Fifth Day of *July* One thousand eight hundred and fifty-four, on the Exportation or on the Removal to the *Isle of Man* for Consumption there of the several Descriptions of Refined Sugar herein-after mentioned; (that is to say,)

	s.	d.
Upon Refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or such Sugar pounded, crushed, or broken, or Sugar Candy, the Hundredweight -	15	0
Upon Bastard or Refined Sugar broken in Pieces, or being ground or powdered Sugar, or such Sugar pounded or crushed, or broken, for every Hundredweight -	11	0

IV. It shall be lawful for Her Majesty by Order in Council, at any Time or Times, before the First Day of *July* One thousand eight hundred and fifty-five, to alter or vary the Bounties or Drawbacks made payable by this Act, or to substitute others in lieu thereof, or apportion them with reference to the Qualities or Kinds of Sugar upon which the same shall by such Order or Orders in Council be allowed or made payable.

Her Majesty by Orders in Council may vary or alter Bounties and Drawbacks.

V. Every Order in Council made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette;* and a Copy of every Order in Council so made shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders in Council to be published in the London Gazette, and laid before Parliament.

VI. So much of Sections One hundred and seven and One hundred and eight of the Customs Consolidation Act as permits or relates to the Delivery from the Warehouse, without Payment of Duty, of Sugar for the Purpose of being refined in Bonded Sugar Houses, is hereby repealed.

Repeal of certain Parts of Customs Consolidation Act.

VII. All existing Bonds entered into under Section One hundred and eight are to remain in force until the Conditions thereof, or the Objects of this Act, so far as such Conditions are hereby varied, are complied with.

Existing Bonds to remain in force.

VIII. From and after the Twenty-fifth Day of *June* One thousand eight hundred and fifty-four no Sugar shall be taken into any Bonded Sugar House for the Purpose of being refined, nor shall any raw Sugar which shall then be in any such Refinery be melted or otherwise dealt with for the Purpose of or in order to the Refinement thereof.

After 25th June 1854 no Sugar to be taken into Bonded Sugar House to be refined.

IX. All Sugar which shall have been refined in such Bonded Sugar Houses before the Second Day of *July* next, and all Treacle or other Produce thereof, shall be removed to and deposited in some approved Warehouse under and subject to the same Rates of Duty, Laws, and Regulations as are then in force with reference to Sugar imported from any Foreign Country, so far as the same are applicable.

All Sugar, &c. refined before 2d July next to be removed to and deposited in some approved Warehouse.

X. Immediately after the Second Day of *July* One thousand eight hundred and fifty-four, and before any further Supply of Sugar shall be taken into any such Sugar House, an Account of the Stock remaining therein shall be taken by the Officers of Customs, under such Regulations as the Commissioners of Customs shall direct, of all

Officers of Customs to take Stocks of Sugar Refiners.

all Sugar, Molasses, Syrup, or other Materials in Process of refining, and the Duty due thereon shall be forthwith assessed and paid, according to the relative Qualities thereof, under the Directions of the Commissioners of Customs.

Sugar Refiners to have the Option of working up their Stock without taking in Sugar in the meantime.

XI. Provided always, That if any Occupier or Proprietor of any such Sugar House shall, on the Twenty-fifth Day of *June*, elect to refine and work up all the Sugar on Hand in such Sugar House without taking in any other Sugar in the meantime, he shall have the Option of so doing, and of warehousing the same, on or before the Tenth Day of *August* One thousand eight hundred and fifty-four, for Home Consumption, upon Payment of the proper Duties thereon, or for Exportation.

Additional Duties of Customs to be levied on Spirits imported into Scotland.

XII. On and after the Twenty-sixth Day of *May* One thousand eight hundred and fifty-four there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, for and upon the Articles under mentioned imported into *Scotland*, the Duties of Customs herein-after specified, in addition to the Duties now chargeable thereon under any Act or Acts in force, and in addition to any Duties granted in the present Session of Parliament; (that is to say,)

	s.	d.
Spirits or Strong Waters, the Produce of any *British* Possession in *America*, or the Island of *Mauritius*, not being sweetened Spirits or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by *Sykes*'s Hydrometer - -		
Rum, the Produce of any *British* Possession within the Limits of the *East India* Company's Charter in regard to which the Conditions of the Act 4 *Vict.* c. 8. have or shall have been fulfilled, not being sweetened Spirits or Spirits so mixed as aforesaid - - - -	0	4
Rum Shrub, however sweetened, the Produce of and imported from such Possessions, qualified as aforesaid, or of or from any *British* Possession in *America*, or the Island of *Mauritius* - - - - -		
For every Gallon of such Spirits or strong Waters of any Strength not exceeding the Strength of Proof by *Sykes*'s Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon -		

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CAP. XXX.

An Act for granting certain Duties of Excise on Sugar made in the United Kingdom.

[10th *July* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties of Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grants of Duties of Excise on Sugar.

I. In lieu of the Duties of Excise on Sugar made in the United Kingdom now payable under any other Act or Acts in force, there shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Twenty-sixth Day of *May* One thousand eight hundred and fifty-four, on Sugar made in the United Kingdom, the several Sums of Money and Duties of Excise herein-after inserted, described, and set forth; (that is to say,)

	£	s.	d.
On Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Hundredweight - - - -	0	16	0

Excise Duties (Sugar).

	£	s.	d.
On White Clayed, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal to Refined, for every Hundredweight -	0	14	0
On Yellow Muscovado and Brown Clayed, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed, according to a Standard to be furnished by the Commissioners of Her Majesty's Treasury, for every Hundredweight - - - -	0	12	0
On Brown Muscovado, and any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar, according to a Standard to be furnished by the said Commissioners, for every Hundredweight - - - - - -	0	11	0
On Molasses, for every Hundredweight - - -	0	4	6

And so in proportion for any greater or less Quantity than a Hundredweight.

Grant of Duties on Sugar used in the brewing of Beer, and on Licences to Brewers to use Sugar.

II. There shall also be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Fifth Day of *July* One thousand eight hundred and fifty-four, on Sugar used in the brewing or making of Beer, and on Licences to use Sugar in the brewing or making of Beer, the several Sums of Money and Duties of Excise herein-after inserted, described, and set forth; (that is to say,)

For and upon all Sugar which, on and after the Sixth Day of *July* One thousand eight hundred and fifty-four, shall be used in any Part of the United Kingdom by any Brewer of Beer for Sale in the brewing or making of Beer, the Duty of Six Shillings and Sixpence for every Hundredweight, and so in proportion for any greater or less Quantity than a Hundredweight of such Sugar, to be payable and paid by such Brewer in lieu of the Duty of Excise chargeable thereon under the Third Section of the Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Sixty-seven, or of any Duty of Excise substituted for the last-mentioned Duty by any Act of the present Session of Parliament, but over and above all other Duties whether of Excise or Customs:

And for and upon every Licence to be taken out annually by every Brewer of Beer for Sale, who shall intend to use any Sugar in the brewing or making of Beer, the Duty of Twenty Shillings.

New Duty to be raised and levied in the same Manner as other Excise Duties;

III. The said Duties by this Act granted shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, applied, and accounted for under the Provisions of the Act passed in the First Year of Her Majesty's Reign, Chapter Fifty-seven, and in such and the like Manner, and in and by the same Means, Ways, or Methods by which any other Duties of Excise are or may be charged, raised, levied, collected, applied,

applied, and accounted for; and the said first-recited Act, and all and every other Act or Acts relating to the Duties of Excise on Sugar, and all and every Fines, Pain, Penalty, and Forfeitures, Pains, and Penalties, for any Offence against or in breach of the said Acts, or any other Act or Acts, for securing the Duties of Excise, or for the Regulation thereof, in force immediately before the passing of this Act, and the several Clauses, Powers, and Directions therein contained, shall and the same are hereby directed and declared to extend to, and shall be applied, practised, and put in execution for and in respect of the Duties of Excise by this Act granted, in as full and ample a Manner as if all and every the said Act and Acts, Clauses, Provisions, Powers, Directions, Fines, Forfeitures, Pains, and Penalties were repeated and re-enacted in this Act with reference to the said Duties hereby granted.

and Powers and Penalties of all Excise Acts to apply to this Act.

IV. Every Brewer of Beer for Sale intending to use Sugar in the brewing or making of Beer shall take out a Licence in that Behalf under this Act, and shall pay the Duty charged on such Licence; and every such Licence shall be in such Form as the Commissioners of Inland Revenue shall direct, and shall be granted by the proper Officers of Excise duly authorized to grant Licences under any Law of Excise; and every such Licence shall expire on the Tenth Day of *October* next after the granting thereof, and shall be renewed annually in like Manner as other Excise Licences are by Law required to be renewed.

Brewers intending to use Sugar to take out Licence for that Purpose.

V. It shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Regulations for the using of Sugar in the brewing or making of Beer as they may deem to be expedient and proper for securing the Duty by this Act granted upon Sugar so used; and from and after the Fifth Day of *July* One thousand eight hundred and fifty-four it shall not be lawful for any Brewer of Beer for Sale, otherwise than in accordance with such Regulations, nor without having taken out such Licence as by this Act is required in that Behalf, to make use of any Sugar in the brewing or making of Beer, or in the preparing or making any Liquor or other Preparation for darkening the Colour of Worts or Beer, or to use or have in his Custody or Possession any such Liquor or Preparation, prepared or made from Sugar, under pain of the several Penalties and Forfeitures in that Behalf contained in the several Acts passed respectively in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Fifty-eight, and in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, anything contained in an Act passed in the Tenth Year of Her Majesty's Reign, Chapter Five, or any other Act or Acts, to the contrary thereof in anywise notwithstanding; and if any Brewer of Beer for Sale who shall not have taken out such Licence as aforesaid shall at any Time after the Fifth Day of *July* One thousand eight hundred and fifty-four receive or take into or have in his Custody or Possession any Sugar (except for the necessary and ordinary Use of his Family, the Proof whereof

Commissioners of Inland Revenue to make Regulations for using Sugar in the brewing of Beer.

Brewers not to use Sugar contrary to Regulations or without Licence.

whereof shall lie on such Brewer,) the same shall be forfeited, and such Brewer shall be subject in respect thereof to the like Penalties and Forfeitures contained in the several Acts before mentioned.

Brewers to make Entry of Premises for storing or using Sugar.

VI. Every Brewer of Beer for Sale intending to use Sugar in the brewing or making of Beer, or in the preparing or making of any Liquor or other Preparation for darkening the Colour of Worts or Beer, shall make a true and particular Entry in Writing, signed by him, of his Name and Place of Abode, and of every Building, Warehouse, Storehouse, Shop, Room, or Place intended to be made use of by him for the keeping or storing of Sugar, or of using the same in the brewing or making of Beer, or in the preparing or making of any Liquor or other Preparation for darkening the Colour of Worts or Beer; and every such Entry shall be delivered to the proper Officer of Excise authorized to receive the same; and in every such Entry every Building, Warehouse, Storehouse, Shop, Room, and Place shall be distinguished by a particular Number or Letter, or Number and Letter, and the Purpose for which the same is intended to be used shall be specified and described; and every such Entry shall also set forth the Place where any such Building or other Premises as aforesaid shall be situated; and if any Sugar shall be found in any Building, Warehouse, Storehouse, Shop, Room, or Place of or belonging to any Brewer of Beer for Sale, and of which such Entry as herein directed has not been made, such Sugar shall be forfeited, and may be seized by any Officer of Excise, and such Brewer shall be subject and liable to the Penalty imposed by the Sixth Section of the Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Fifty-one, for every such unentered Building, Warehouse, Storehouse, Shop, Room, or Place.

Brewers using Sugar to enter in the proper Book the Hour at which they intend to mash or dissolve Sugar.

VII. Every Brewer of Beer for Sale shall, in addition to the several Particulars which by the Laws in force he is required to enter in the Book or Paper provided for the Purpose of entering therein the Quantity of Malt and Sugar respectively used or intended to be used by him in the brewing of Beer, enter or cause to be entered in such Book or Paper the particular Hour of the Day at which he intends to mash any Malt or to dissolve any Sugar; and such Entry shall be made Twenty-four Hours at the least before he shall begin to mash any Malt or to dissolve any Sugar, under the like Penalty for any Refusal or Neglect to make such Entry as is hereby directed to be made in such Book or Paper, or for cancelling, obliterating, or altering the same, as by the Laws in force such Brewer is subject or liable to for any Refusal or Neglect to make any other Entry therein, or for cancelling, obliterating, or altering any such other Entry.

LONDON:
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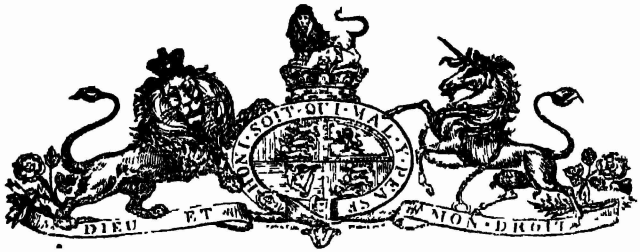

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXI.

An Act for the better Regulation of the Traffic on Railways and Canals. [10th *July* 1854.]

WHEREAS it is expedient to make better Provision for regulating the Traffic on Railways and Canals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. In the Construction of this Act "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations: "Board of Trade:"

The Word "Traffic" shall include not only Passengers, and their Luggage, and Goods, Animals, and other Things conveyed by any Railway Company or Canal Company, or Railway and Canal Company, but also Carriages, Waggons, Trucks, Boats, and Vehicles of every Description adapted for running or passing on the Railway or Canal of any such Company: "Traffic:"

The Word "Railway" shall include every Station of or belonging to such Railway used for the Purposes of public Traffic: and, "Railway:"

The Word "Canal" shall include any Navigation whereon Tolls are levied by Authority of Parliament, and also the Wharves and Landing Places of and belonging to such Canal or Navigation, and used for the Purposes of public Traffic: "Canal."

The Expression "Railway Company," "Canal Company," or "Railway and Canal Company," shall include any Person being the Owner or Lessee of or any Contractor working any Railway or Canal or Navigation constructed or carried on under the Powers of any Act of Parliament: "Company."

A Station, Terminus, or Wharf shall be deemed to be near another Station, Terminus, or Wharf when the Distance between such Stations, Termini, or Wharves shall not exceed One Mile, such Stations not being situate within Five Miles from *St. Paul's* Church, in *London*. Stations.

Duty of Railway Companies to make Arrangements for receiving and forwarding Traffic, without unreasonable Delay, and without Partiality.

II. Every Railway Company, Canal Company, and Railway and Canal Company, shall, according to their respective Powers, afford all reasonable Facilities for the receiving and forwarding and delivering of Traffic upon and from the several Railways and Canals belonging to or worked by such Companies respectively, and for the Return of Carriages, Trucks, Boats, and other Vehicles, and no such Company shall make or give any undue or unreasonable Preference or Advantage to or in favour of any particular Person or Company, or any particular Description of Traffic, in any respect whatsoever, nor shall any such Company subject any particular Person or Company, or any particular Description of Traffic, to any undue or unreasonable Prejudice or Disadvantage in any respect whatsoever; and every Railway Company and Canal Company and Railway and Canal Company having or working Railways or Canals which form Part of a continuous Line of Railway or Canal or Railway and Canal Communication, or which have the Terminus, Station, or Wharf of the one near the Terminus, Station, or Wharf of the other, shall afford all due and reasonable Facilities for receiving and forwarding all the Traffic arriving by one of such Railways or Canals by the other, without any unreasonable Delay, and without any such Preference or Advantage, or Prejudice or Disadvantage, as aforesaid, and so that no Obstruction may be offered to the Public desirous of using such Railways or Canals or Railways and Canals as a continuous Line of Communication, and so that all reasonable Accommodation may, by means of the Railways and Canals of the several Companies, be at all Times afforded to the Public in that Behalf.

Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Motion or Summons to the Superior Courts.

III. It shall be lawful for any Company or Person complaining against any such Companies or Company of anything done, or of any Omission made in Violation or Contravention of this Act, to apply in a summary Way, by Motion or Summons, in *England*, to Her Majesty's Court of Common Pleas at *Westminster*, or in *Ireland* to any of Her Majesty's Superior Courts in *Dublin*, or in *Scotland* to the Court of Session in *Scotland*, as the Case may be, or to any Judge of any such Court; and, upon the Certificate to Her Majesty's Attorney General in *England* or *Ireland*, or Her Majesty's Lord Advocate in *Scotland*, of the Board of Trade alleging any such Violation or Contravention of this Act by any such Companies or Company, it shall also be lawful for the said Attorney General or Lord Advocate to apply in like Manner to any such Court or Judge, and in either of such Cases it shall be lawful for such Court or Judge to hear and determine the Matter of such Complaint; and for that Purpose, if such Court or Judge shall think fit, to direct and prosecute, in such Mode and by such Engineers, Barristers, or other Persons as they shall think proper, all such Inquiries as may be deemed necessary to enable such Court or Judge to form a just Judgment on the Matter of such Complaint; and if it be made to appear to such Court or Judge on such Hearing, or on the Report of any such Person, that anything has been done or Omission made, in Violation or Contravention of this Act, by such Company or Companies, it shall be lawful for such Court or Judge to issue a Writ of Injunction or Interdict, restraining such Company or Companies from further continuing such Violation or Contravention of this Act, and enjoining Obedience to the same; and in case of Disobedience

of any such Writ of Injunction or Interdict it shall be lawful for such Court or Judge to order that a Writ or Writs of Attachment, or any other Process of such Court incident or applicable to Writs of Injunction or Interdict, shall issue against any One or more of the Directors of any Company, or against any Owner, Lessee, Contractor, or other Person failing to obey such Writ of Injunction or Interdict; and such Court or Judge may also, if they or he shall think fit, make an Order directing the Payment by any One or more of such Companies of such Sum of Money as such Court or Judge shall determine, not exceeding for each Company the Sum of Two hundred Pounds for every Day, after a Day to be named in the Order, that such Company or Companies shall fail to obey such Injunction or Interdict; and such Monies shall be payable as the Court or Judge may direct, either to the Party complaining, or into Court to abide the ultimate Decision of the Court, or to Her Majesty, and Payment thereof may, without Prejudice to any other Mode of recovering the same, be enforced by Attachment or Order in the Nature of a Writ of Execution, in like Manner as if the same had been recovered by Decree or Judgment in any Superior Court at *Westminster* or *Dublin*, in *England* or *Ireland*, and in *Scotland* by such Diligence as is competent on an extracted Decree of the Court of Session; and in any such Proceeding as aforesaid, such Court or Judge may order and determine that all or any Costs thereof or thereon incurred shall and may be paid by or to the One Party or the other, as such Court or Judge shall think fit; and it shall be lawful for any such Engineer, Barrister, or other Person, if directed so to do by such Court or Judge, to receive Evidence on Oath relating to the Matter of any such Inquiry, and to administer such Oath.

Judges may make such Regulations as may be necessary for Proceedings under this Act.

IV. It shall be lawful for the said Court of Common Pleas at *Westminster*, or any Three of the Judges thereof, of whom the Chief Justice shall be One, and it shall be lawful for the said Courts in *Dublin*, or any Nine of the Judges thereof, of whom the Lord Chancellor, the Master of the Rolls, the Lords Chief Justice of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, shall be Five, from Time to Time to make all such General Rules and Orders as to the Forms of Proceedings and Process, and all other Matters and Things touching the Practice and otherwise in carrying this Act into execution before such Courts and Judges, as they may think fit, in *England* or *Ireland*, and in *Scotland* it shall be lawful for the Court of Session to make such Acts of Sederunt for the like Purpose as they shall think fit.

Court or Judge may order a Rehearing.

V. Upon the Application of any Party aggrieved by the Order made upon any such Motion or Summons as aforesaid, it shall be lawful for the Court or Judge by whom such Order was made, to direct, if they think fit so to do, such Motion or Application on Summons to be reheard before such Court or Judge, and upon such Rehearing to rescind or vary such Order.

Mode of Proceeding under this Act.

VI. No Proceeding shall be taken for any Violation or Contravention of the above Enactments, except in the Manner herein provided; but nothing herein contained shall take away or diminish any Rights, Remedies, or Privileges of any Person or Company against any Railway or Canal or Railway and Canal Company under the existing Law.

Company to be liable for Neglect or Default in the Carriage of Goods, notwithstanding Notice to the contrary.

VII. Every such Company as aforesaid shall be liable for the Loss of or for any Injury done to any Horses, Cattle, or other Animals, or to any Articles, Goods, or Things, in the receiving, forwarding, or delivering thereof, occasioned by the Neglect or Default of such Company or its Servants, notwithstanding any Notice, Condition, or Declaration made and given by such Company contrary thereto, or in anywise limiting such Liability; every such Notice, Condition, or Declaration being hereby declared to be null and void: Provided always, that nothing herein contained shall be construed to prevent the said Companies from making such Conditions with respect to the receiving, forwarding, and delivering of any of the said Animals, Articles, Goods, or Things, as shall be adjudged by the Court or Judge before whom any Question relating thereto shall be tried to be just and reasonable: Provided always, that no greater Damages shall be recovered for the Loss of or for any Injury done to any of such Animals, beyond the Sums herein-after mentioned; (that is to say,) for any Horse Fifty Pounds; for any Neat Cattle, *per* Head, Fifteen Pounds; for any Sheep or Pigs, *per* Head, Two Pounds; unless the Person sending or delivering the same to such Company shall, at the Time of such Delivery, have declared them to be respectively of higher Value than as above mentioned; in which Case it shall be lawful for such Company to demand and receive by way of Compensation for the increased Risk and Care thereby occasioned, a reasonable Per-centage upon the Excess of the Value so declared above the respective Sums so limited as aforesaid, and which shall be paid in addition to the ordinary Rate of Charge; and such Per-centage or increased Rate of Charge shall be notified in the Manner prescribed in the Statute Eleventh *George* Fourth and First *William* Fourth, Chapter Sixty-eight, and shall be binding upon such Company in the Manner therein mentioned: Provided also, that the Proof of the Value of such Animals, Articles, Goods, and Things, and the Amount of the Injury done thereto, shall in all Cases lie upon the Person claiming Compensation for such Loss or Injury: Provided also, that no special Contract between such Company and any other Parties respecting the receiving, forwarding, or delivering of any Animals, Articles, Goods, or Things as aforesaid shall be binding upon or affect any such Party unless the same be signed by him or by the Person delivering such Animals, Articles, Goods, or Things respectively for Carriage: Provided also, that nothing herein contained shall alter or affect the Rights, Privileges, or Liabilities of any such Company under the said Act of the Eleventh *George* Fourth and First *William* Fourth, Chapter Sixty-eight, with respect to Articles of the Descriptions mentioned in the said Act.

Company not to be liable beyond a limited Amount in certain Cases, unless the Value declared and extra Payment made.

Proof of Value to be on the Person claiming Compensation.

No special Contract to be binding unless signed.

Saving of Carriers Act 11 G. 4. & 1 W. 4. c. 68.

Short Title.

VIII. This Act may be cited for all Purposes as "The Railway and Canal Traffic Act, 1854."

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXII.

An Act to facilitate the Apportionment of the Rent when Parts of Lands in Lease are taken for the Purposes of the Church Building Acts.

[10th *July* 1854.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rents and Fines may be apportioned.

I. If any Hereditaments to be acquired for any of the Purposes of any of the Church Building Acts are included in a Lease or Underlease with any other Hereditaments, the Rent reserved by such Lease or Underlease, and any Fine certain to be paid on any Renewals thereof, may be apportioned between the Hereditaments so to be acquired and the Remainder of the Hereditaments, or may be wholly charged on such Remainder, in exoneration of the Hereditaments so to be acquired.

Parties to the Apportionment.

II. Such Apportionment or Exoneration may be effected by the Parties respectively having Power to assign or convey the Leasehold Interest, and to assign or convey the Reversion expectant on such Leasehold Interest, in the Hereditaments so to be acquired.

Jury may apportion.

III. In Cases where the Value of the Hereditaments to be acquired is to be ascertained by a Jury, the Jury may also apportion any such Rent or Fine as aforesaid.

Apportioned Rent to be recoverable by the same Remedies as the entire Rent.

IV. On the acquiring as aforesaid of any Hereditaments included with other Hereditaments in a Lease or Underlease or Leases or Underleases as aforesaid, the Rent or apportioned Rent by any such Apportionment or Exoneration expressed to be made payable out of the Hereditaments which shall not be acquired as aforesaid, and out of the Hereditaments which shall be so acquired respectively, shall be recoverable as regards such Hereditaments respectively by the same Remedies by which before such acquiring the Rent reserved by the Lease or Underlease was recoverable out of the whole of the Hereditaments therein comprised; and all the Covenants, Conditions, and Agreements in such Lease or Underlease contained, as well those relating to Rent as others, so far as regards the Part acquired and the Residue not acquired as aforesaid respectively of the Hereditaments comprised in such Lease or Underlease, shall continue and shall subsist upon and against and with regard to such Part so acquired and such Residue respectively in like Manner as if such Part or Residue only had been originally comprised in such Lease or Underlease; and in case such Lease or Underlease shall contain Provisions for Renewal upon Payment of a Fine certain, such Provisions for Renewal shall apply to the Part acquired and the Residue not acquired as aforesaid respectively of the Hereditaments comprised in such Lease or Underlease in the same Manner as if such Part or Residue only had been originally comprised in such Lease or Underlease, and the Fine certain to be paid on any Renewal had been the Fine certain which in the Exoneration or Apportionment shall be expressed to be payable in respect of the same Hereditaments.

How Sums secured by way of Insurance, &c. may be apportioned.

V. Sums of Money to be secured by way of Insurance and all other Sums of Money or other Payments or Services may be apportioned or exclusively charged in the same Manner, and with the same Effects in all respects, as are herein provided with respect to the Apportionment or exclusive Charge of Rent.

Act to extend to Cases where Part of Hereditaments are included in Leases, &c.

VI. The Provisions of this Act extend to all Cases where a Part of the Hereditaments included in any Lease or Underlease is to be acquired for the Purposes of any of the Church Building Acts, although no Apportionment of or Exoneration from Rent may take place by reason that no Rent or a Rent only nominal is reserved by the Lease or Underlease.

VII. The

VII. The Provisions of this Act relate to Contracts for Leases and Underleases as well as to Leases and Underleases.

Act to extend to Contracts for Leases.

VIII. The Acts herein referred to as the Church Building Acts are the Act of the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-seven, "to amend the Church Building Acts," and the Acts in that Act enumerated as the Church Building Acts, and also the Act of the Sixth and Seventh Years of Queen *Victoria*, Chapter Thirty-seven, "to make better Provision for the Spiritual Care of populous Parishes."

Acts herein referred to.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXIII.

An Act to place Public Statues within the Metropolitan Police District under the Control of the Commissioners of Her Majesty's Works and Public Buildings. [10th *July* 1854.]

WHEREAS it is expedient that such Public Statues as are herein-after mentioned should be under the Control and Superintendence of the Commissioners of Her Majesty's Works and Public Buildings, and that such Commissioners should have the Powers after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In the Construction of this Act the Words "Metropolitan Police District" shall be understood to describe the District defined under that Name by an Act of Parliament passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Forty-four; the Words "Public Statue" shall be taken to include all the Statues mentioned in the Schedule to this Act, or which may hereafter be erected, either wholly or in part, within any such Public Place as after mentioned; the Words "Public Place" shall be taken to include any Street, Square, Court, or other like Place within the Metropolitan Police District into or upon or over which there is any Public Right of Ingress, Egress, and Regress, or Thoroughfare.

Commissioners of Works may erect Statues in any Public Place, and enclose &c. the same;

II. It shall be lawful for the said Commissioners, or their Workmen or Agents by their Order, by and out of any Monies appropriated or to be appropriated for that Purpose by Parliament, to erect in any Public Place any Statue, and to enclose the same and the Pedestal thereof and any surrounding Space with any Fence or Railing, in all respects as they may think fit.

and may also repair Public Statues, &c.

III. It shall be lawful for the said Commissioners to restore, amend, or repair any Public Statue, and the Pedestal thereof, and the Fence or Railing surrounding the same, by and with any Monies for that Purpose from Time to Time appropriated by Parliament.

Commissioners of Works may do all Acts necessary for the Erection or Reparation of Public Statues.

IV. It shall be lawful for the said Commissioners, or their Agents or Workmen by their Orders, to do all Acts necessary for the erecting, repairing, restoring, or amending any Public Statue, and also to enter any Public Place for the Purpose of erecting any Public Statue, or for restoring, amending, and repairing any Public Statue, and the Railings and other Fences surrounding the same, as the said Commissioners shall think fit, and generally to make, do, execute, and perform all such Acts, Works, Matters, and Things as shall be thought necessary by the said Commissioners or their Agents, for the Erection, Restoration, or Repair of any Public Statue.

No Public Statue to be erected without the Assent of the Commissioners.

V. No Public Statue shall after the passing of this Act be erected in any Public Place without the written Assent of the said Commissioners.

For the Punishment of Persons damaging any Public Statue.

VI. Any Person or Persons who shall after the passing of this Act unlawfully and maliciously destroy or damage any Public Statue, or the Ornaments, Railings, or Fences surrounding the same, shall be guilty of a Misdemeanor within the Meaning of an Act passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Forty-four, and the Provisions of the said Act shall be held to be applicable to the Punishment of any such Offender.

Owners of Statues not mentioned in Schedule may transfer them to Commissioners of Works, with the Assent of the Treasury.

VII. It shall be lawful for the Owners of any Statue not mentioned in the Schedule to this Act, but which is or may be situated within the Metropolitan Police District, with the Assent in Writing of the Commissioners of Her Majesty's Treasury, to transfer such Statue to the Commissioners of Her Majesty's Works and Public Buildings; and upon the Completion of such Transfer, the Statue so transferred shall be deemed to be a Public Statue within the Intent and Meaning of this Act as fully and effectually as if such Statue had been expressly mentioned in the Schedule hereto.

The

The SCHEDULE referred to by the above Act.

City of Westminster, Saint Margaret and Saint John.

Statue of King James the Second in Whitehall Gardens, at the Rear of Whitehall Chapel.

Statue to the Right Honourable George Canning, erected in Parliament Square, facing New Palace Yard.

Saint Martin in the Fields and Saint Anne Soho.

Equestrian Statue of King Charles the First at Charing Cross.

Equestrian Statue of King George the Third in Pall Mall East.

Equestrian Statue of King George the Fourth in Trafalgar Square.

Column and Statue to Viscount Nelson, Trafalgar Square.

Equestrian Statue to the Duke of Wellington on the Arch at Hyde Park Corner.

Saint George Hanover Square.

Statue in Hyde Park in Commemoration of the Victories of the Duke of Wellington.

Saint James'.

Statue of King George the Second in Golden Square.

Tower Division.

Statue of the Duke of Wellington on "Tower Green."

Holborn Division. Saffron Hill Liberty. Saint Clements Danes.

Statue of George the Third in the Quadrangle of Somerset House.

Saint Andrew's Holborn.

Statue of Queen Anne, situate in Queen Square, Saint George the Martyr.

Saint Marylebone.

Statue of the Duke of Kent, Park Crescent Gardens, Portland Place.

County of Kent, Greenwich.

Statue to His Majesty King George the Second in the Square of the Royal Hospital.

Chelsea.

Statue of King Charles the Second in the Grounds of Chelsea Hospital.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXXIV.

An Act to enable the Courts of Law in *England, Ireland,* and *Scotland* to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom. [10th *July* 1854.]

WHEREAS great Inconvenience arises in the Administration of Justice from the Want of a Power in the Superior Courts of Law to compel the Attendance of Witnesses resident in One Part of the United Kingdom at a Trial in another Part, and the Examination of such Witnesses by Commission is not in all Cases a sufficient Remedy for such Inconvenience: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. If, in any Action or Suit now or at any Time hereafter depending in any of Her Majesty's Superior Courts of Common Law at *Westminster* or *Dublin*, or the Court of Session or Exchequer in *Scotland*, it

Courts of Law in England, Ireland, and Scotland may

Issue Process to compel the Attendance of Witnesses although not within their Jurisdiction.

it shall appear to the Court in which such Action is pending, or, if such Court is not sitting, to any Judge of any of the said Courts respectively, that it is proper to compel the personal Attendance at any Trial of any Witness who may not be within the Jurisdiction of the Court in which such Action is pending, it shall be lawful for such Court or Judge, if in his or their Discretion it shall so seem fit, to order that a Writ called a Writ of Subpœna ad testificandum or of Subpœna duces tecum or Warrant of Citation shall issue in special Form, commanding such Witness to attend such Trial wherever he shall be within the United Kingdom, and the Service of any such Writ or Process in any Part of the United Kingdom shall be as valid and effectual to all Intents and Purposes as if same had been served within the Jurisdiction of the Court from which it issues.

Statement to be made at Foot of Writ that it is issued by special Order.

II. Every such Writ shall have at Foot thereof a Statement or Notice that the same is issued by the special Order of the Court or Judge, as the Case may be; and no such Writ shall issue without such special Order.

Witnesses making default to be punished by the Courts of the Country in which the Process was served.

III. In case any Person so served shall not appear according to the Exigency of such Writ or Process, it shall be lawful for the Court out of which the same issued, upon Proof made of the Service thereof, and of such Default, to the Satisfaction of the said Court, to transmit a Certificate of such Default under the Seal of the same Court, or under the Hand of One of the Judges or Justices of the same, to any of Her Majesty's Superior Courts of Common Law at *Westminster*, in case such Service was had in *England*, or in case such Service was had in *Scotland* to the Court of Session or Exchequer at *Edinburgh*, or in case such Service was had in *Ireland* to any of Her Majesty's Superior Courts of Common Law at *Dublin*; and the Court to which such Certificate is so sent shall and may thereupon proceed against and punish the Person so having made default in like Manner as they might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna or other Process issued out of such last-mentioned Court.

Persons not to be punished if it shall appear that sufficient Money has not been tendered to pay Expenses.

IV. None of the said Courts shall in any Case proceed against or punish any Person for having made default by not appearing to give Evidence in obedience to any Writ of Subpœna or other Process issued under the Powers given by this Act, unless it shall be made to appear to such Court that a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna or Process was served upon such Person.

V. Nothing

Witnesses.

V. Nothing herein contained shall alter or affect the Power of any of such Courts to issue a Commission for the Examination of Witnesses out of their Jurisdiction, in any Case in which, notwithstanding this Act, they shall think fit to issue such Commission.

Act not to prevent the issuing of a Commission to examine Witnesses.

VI. Nothing herein contained shall alter or affect the Admissibility of any Evidence at any Trial where such Evidence is now by Law receivable, on the Ground of any Witness being beyond the Jurisdiction of the Court, but the Admissibility of all such Evidence shall be determined as if this Act had not passed.

Not to affect the Admissibility of Evidence where now receivable.

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VICTORIÆ REGINÆ.

CAP. XXXV.

An Act to repeal certain Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, concerning the holding of Assizes for the County of *Warwick*. [10th *July* 1854.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her Majesty, intituled *An Act to annex the County of the City of* Coventry *to* Warwickshire, *and to define the Boundary of the City of* Coventry, it was enacted and provided that the Inhabitants of the City of *Coventry* should not be liable to be summoned or to serve on any Inquest or Jury for the County of *Warwick* elsewhere than within the City of *Coventry;* and it was thereby also enacted, that the Judges of Assize and Nisi Prius, and others named in Her Majesty's Commissions of Oyer and Terminer and Gaol Delivery, should hold their Sittings at Nisi Prius, Oyer and Terminer and Gaol Delivery, within the said City of *Coventry* for the said City, and for such other Parts of the said County of *Warwick* as Her Majesty, with the Advice of Her Privy Council, from Time to Time should order, and at *Warwick* for so much of the rest of the said County as should not be included in any such Order, and that the Sheriff of the County of *Warwick* should give his

5 & 6 Vict. c. 110.

Warwick Assizes.

Attendance upon the said Judges and Commissioners, and should cause to be summoned to *Warwick* and *Coventry* such Grand and Petty Jurors of the County of *Warwick* as should be needed for the Execution of the said several Commissions: And whereas the Division of the said County of *Warwick* into Two Assize Districts, and the holding of Assizes at *Coventry*, under the said recited Enactments, have been found inconvenient: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Enactments repealed, and Assizes to be held in Warwick.

I. From and after the passing of this Act the said recited Enactments shall be repealed, and the Assizes for the whole County of *Warwick*, including the said City of *Coventry*, shall be holden at *Warwick*, and the Inhabitants of the said City of *Coventry* shall be liable to be summoned and serve upon all Inquests and Juries at the said Assizes, in like Manner as the other Inhabitants of the said County.

Venue in future Proceedings to be "Warwickshire" alone, and Parties under Recognizance to appear at Warwick.

II. From and after the passing of this Act, the Venue in all Matters whatsoever to come before the Judges of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, in the said County of *Warwick*, shall be "*Warwickshire*," and the Venues "*Warwickshire Warwick* Division" and "*Warwickshire Coventry* "Division" shall be abolished, and all Recognizances entered into by any Person or Persons for Appearance at the *Coventry* Assizes, whether to prosecute or give Evidence, or to answer or to receive Judgment or otherwise, shall be obligatory on the Parties bound by such Recognizances to appear at the *Warwick* Assizes for the same Purpose, and all Proceedings requisite and proper to be taken relating thereto shall and may be had and taken in like Manner as if such Recognizance had been originally entered into and such Proceedings taken with reference to the Assizes held at *Warwick*.

Proceedings commenced in Coventry Division to be transferred to Warwick to be disposed of.

III. All Indictments, Records, and other Proceedings preferred, entered, and taken in the *Coventry* Division of the County of *Warwick* on the Day of the passing of this Act, filed and remaining with the Clerk of the Crown and the Associate for the said Division, shall be returned to be filed and remain with the Clerk of the Crown and the Associate respectively for the said County of *Warwick*, and all Proceedings and Process requisite and proper to be awarded and taken thereon shall and may be awarded and taken as if such Indictments, Records, and other Proceedings had been originally preferred, entered, and taken in the County of *Warwick* at large.

IV. All

Warwick Assizes.

IV. All Offences which shall have been committed and all Causes of Action which shall have accrued in the said *Coventry* Division of the said County before the passing of this Act shall, so far as relates to the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, be inquired of, heard, and dealt with as if the same had been committed or had accrued in the County of *Warwick* at large.

Offences committed and Causes of Action accrued in Coventry Division before the passing of this Act to be dealt with at Warwick.

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CAP. XXXVI.

An Act for preventing Frauds upon Creditors by secret Bills of Sale of personal Chattels.

[10th *July* 1854.]

WHEREAS Frauds are frequently committed upon Creditors by secret Bills of Sale of personal Chattels, whereby Persons are enabled to keep up the Appearance of being in good Circumstances and possessed of Property, and the Grantees or Holders of such Bills of Sale have the Power of taking possession of the Property of such Persons, to the Exclusion of the rest of their Creditors: For Remedy whereof, be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Bills of Sale to be void, unless the same or a Copy thereof be filed within Twenty-one Days, in like Manner as Warrants of Attorney.

I. Every Bill of Sale of personal Chattels made, after the passing of this Act, either absolutely or conditionally, or subject or not subject to any Trusts, and whereby the Grantee or Holder shall have Power, either with or without Notice, and either immediately after the making of such Bill of Sale or at any future Time, to seize or take possession of any Property and Effects comprised in or made subject to such Bill of Sale, and every Schedule or Inventory which shall be thereto annexed or therein referred to, or a true Copy thereof, and of every Attestation of the Execution thereof, shall, together with an Affidavit of the Time of such Bill of Sale being made or given, and a Description of the Residence and Occupation of the Person making or giving the same, or, in case the same shall be made or given by any Person under or in the Execution of any Process, then a Description of the Residence and Occupation of the Person against whom such Process shall have issued, and of every attesting Witness

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to such Bill of Sale, be filed with the Officer acting as Clerk of the Docquets and Judgments in the Court of Queen's Bench, within Twenty-one Days after the making or giving of such Bill of Sale (in like Manner as a Warrant of Attorney in any personal Action given by a Trader is now by Law required to be filed), otherwise such Bill of Sale shall, as against all Assignees of the Estate and Effects of the Person whose Goods or any of them are comprised in such Bill of Sale under the Laws relating to Bankruptcy or Insolvency, or under any Assignment for the Benefit of the Creditors of such Person, and as against all Sheriffs Officers and other Persons seizing any Property or Effects comprised in such Bill of Sale in the Execution of any Process of any Court of Law or Equity authorizing the Seizure of the Goods of the Person by whom or of whose Goods such Bill of Sale shall have been made, and against every Person on whose Behalf such Process shall have been issued, be null and void to all Intents and Purposes whatsoever, so far as regards the Property in or Right to the Possession of any personal Chattels comprised in such Bill of Sale, which at or after the Time of such Bankruptcy, or of filing the Insolvent's Petition in such Insolvency, or of the Execution by the Debtor of such Assignment for the Benefit of his Creditors, or of executing such Process (as the Case may be), and after the Expiration of the said Period of Twenty-one Days, shall be in the Possession or apparent Possession of the Person making such Bill of Sale, or of any Person against whom the Process shall have issued under or in the Execution of which such Bill of Sale shall have been made or given, as the Case may be.

Defeasance or Condition of every Bill of Sale to be written on the same Paper or Parchment.

II. If such Bill of Sale shall be made or given subject to any Defeasance or Condition or Declaration of Trust not contained in the Body thereof, such Defeasance or Condition or Declaration of Trust shall, for the Purposes of this Act, be taken as Part of such Bill of Sale, and shall be written on the same Paper or Parchment on which such Bill of Sale shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Bill of Sale shall be null and void to all Intents and Purposes, as against the same Persons and as regards the same Property and Effects, as if such Bill of Sale or a Copy thereof had not been filed according to the Provisions of this Act.

Officer of Court to keep a Book containing Particulars of each Bill of Sale.

III. The said Officer of the said Court of Queen's Bench shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy filed in his said Office under the Provisions of this Act, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an alphabetical List of every such Bill of Sale, containing therein the Name, Addition, and Description of the Person making or giving the same, or in case the same shall be made or given by any Person under or in the Execution of Process as aforesaid, then the Name, Addition, and Description of the Person against whom such Process shall have issued, and also of the Person to whom or in whose Favour the same shall have been given, together with the Number, and the Dates of the Execution and filing of the same, and the Sum for which the same has been given, and the

Time or Times (if any) when the same is thereby made payable, according to the Form contained in the Schedule to this Act, which said Book or Books, and every Bill of Sale or Copy thereof filed in the said Office, may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search against One Person the Sum of Sixpence and no more; and that, in addition to the last-mentioned Book, the said Officer of the said Court of Queen's Bench shall keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Bills of Sale are filed in manner aforesaid, the Name, Addition, and Description of the Person making or giving the same, or of the Person against whom such Process shall have issued, as the Case may be, and also of the Persons to whom or in whose Favour the same shall have been given, but containing no further Particulars thereof; which last-mentioned Book or Index all Persons shall be permitted to search for themselves, paying to the Officer for such last-mentioned Search the Sum of One Shilling.

Officer entitled to a Fee of 1s. for filing Bill of Sale, and to account for the same.

IV. The said Officer shall be entitled to receive, for his Trouble in filing and entering every such Bill of Sale or a Copy thereof as aforesaid, the Sum of One Shilling and no more; and such Officer shall render a like Account to the Commissioners of Her Majesty's Treasury, and the said Commissioners shall have the like Powers in every Particular with respect to such Account, and the Amount of Remuneration of such Officer, and with respect to any Surplus of the Fees received by him, as is provided by the Seventy-fifth Chapter of the Statute passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty with respect to the Officers of the Court of Common Pleas therein mentioned.

Office Copies or Extracts to be given on paying as for Copies of Judgments.

V. Any Person shall be entitled to have an Office Copy or an Extract of every Bill of Sale, or of the Copy thereof filed as aforesaid, upon paying for the same at the like Rate as for Office Copies of Judgments in the said Court of Queen's Bench.

Satisfaction may be entered.

VI. It shall be lawful for any Judge of the said Court of Queen's Bench to order a Memorandum of Satisfaction to be written upon any Bill of Sale or Copy thereof respectively as aforesaid, if it shall appear to him that the Debt (if any) for which such Bill of Sale is given as Security shall have been satisfied or discharged.

Interpretation of Terms.

VII. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; (that is to say,)

The Expression "Bill of Sale" shall include Bills of Sale, Assignments, Transfers, Declarations of Trust without Transfer, and other Assurances of personal Chattels, and also Powers of Attorney, Authorities, or Licences to take possession of personal Chattels as Security for any Debt, but shall not include the following Documents; that is to say, Assignments for the Benefit of the Creditors of the Person making or giving the same; Marriage Settlements; Transfers or Assignments of any Ship or Vessel or

any Share thereof; Transfers of Goods in the ordinary Course of Business of any Trade or Calling; Bills of Sale of Goods in Foreign Parts or at Sea; Bills of Lading; *India* Warrants; Warehouse Keepers Certificates; Warrants or Orders for the Delivery of Goods, or any other Documents used in the ordinary Course of Business as Proof of the Possession or Control of Goods, or authorizing or purporting to authorize, either by Endorsement or by Delivery, the Possessor of such Document to transfer or receive Goods thereby represented:

The Expression "personal Chattels" shall mean Goods, Furniture, Fixtures, and other Articles capable of complete Transfer by Delivery, and shall not include Chattel Interests in Real Estate, nor Shares or Interests in the Stock, Funds, or Securities of any Government, or in the Capital or Property of any incorporated or Joint Stock Company, nor Choses in Action, nor any Stock or Produce upon any Farm or Lands which by virtue of any Covenant or Agreement, or of the Custom of the Country, ought not to be removed from any Farm where the same shall be at the Time of the making or giving of such Bill of Sale:

Personal Chattels shall be deemed to be in the "apparent Possession" of the Person making or giving the Bill of Sale, so long as they shall remain or be in or upon any House, Mill, Warehouse, Building, Works, Yard, Land, or other Premises occupied by him, or as they shall be used and enjoyed by him in any Place whatsoever, notwithstanding that formal Possession thereof may have been taken by or given to any other Person.

Extent of Act.

VIII. This Act shall not extend to *Scotland* or *Ireland*.

SCHEDULE.

Name, &c. of the Person making or giving the Bill of Sale, or of the Person divested of Property.	Name, &c. of the Person to whom made or given.	Whether Bill of Sale, Assignment, Transfer, or what other Assurance, and whether absolute or conditional, and Number.	Date of Execution.	Date of Filing.	Sum for which made or given.	When and how payable.

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VICTORIÆ REGINÆ.

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Court to be deemed valid.

before the passing of this Act, shall be deemed to be and to have been as valid and effectual for all Purposes whatever as if the said *James Wilson* had at the Time of such Acts, Proceedings, or Judgments respectively been legally and sufficiently authorized to officiate as such Judge.

James Wilson indemnified for such Acts, &c.

II. No Action, Prosecution, or other Proceeding shall be brought or taken in any Court against the said *James Wilson* by reason of the Illegality or Invalidity of any Act, Proceeding, or Judgment herein-before declared to be valid and effectual.

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CAP. XXXVIII.

An Act for the Suppression of Gaming Houses.

[24th *July* 1854.]

WHEREAS divers Statutes have been made from Time to Time for the Prevention of unlawful Gaming; and particularly by the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and nine, Powers are given to Justices of the Peace in Places beyond the Metropolitan Police District to authorize Constables, and to either of the Commissioners of Police within such District to authorize Superintendents belonging to the Metropolitan Police Force, to enter Houses suspected to be kept as Common Gaming Houses, and to arrest all Persons found therein; and it is thereby enacted, that where any Cards, Dice, Balls, Counters, Tables, or other Instruments of Gaming used in playing any unlawful Game shall be found in any House, Room, or Place suspected to be used as a Common Gaming House, and entered under a Warrant or Order issued under the Provisions of that Act, or about the Person of any of those who shall be found therein, it shall be Evidence, until the contrary be made to appear, that such House, Room, or Place is used as a Common Gaming House, and that the Persons found in the Room or Place where such Tables or Instruments of Gaming shall have been found were playing therein: And whereas the Keepers of Common Gaming Houses contrive, by fortifying the Entrances to such Houses, or by other Means, to keep

8 & 9 Vict. c. 109.

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out the Officers authorized to enter the same until the Instruments of Gaming have been removed or destroyed, so that no sufficient Evidence can be obtained to convict the Offenders, who are thereby encouraged to persist in the Violation of the Law: And whereas it is expedient that the Law shall be made more efficient for the Suppression of Gaming Houses: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Penalty on Persons obstructing the Entry of Constables authorized to enter any House suspected to be a Common Gaming House.

I. Any Person who shall wilfully prevent any Constable or Officer authorized under the Provisions of the said Act of the Eighth and Ninth Years of Her Majesty to enter any House, Room, or Place, from entering the same or any Part thereof, or who shall obstruct or delay any such Constable or Officer in so entering, and any Person who, by any Bolt, Bar, Chain, or other Contrivance, shall secure any external or internal Door of or Means of Access to any House, Room, or Place so authorized to be entered, or shall use any Means or Contrivance whatsoever for the Purpose of preventing, obstructing, or delaying the Entry of any Constable or Officer authorized as aforesaid into any such House, Room, or Place, or any Part thereof, may for every such Offence, on a summary Conviction of the same before Two Justices of the Peace, be adjudged by such Justices to forfeit and pay any Penalty not exceeding One hundred Pounds, together with such Costs attending the said Conviction as to the said Justices shall appear reasonable; and on the Nonpayment of such Penalty and Costs, or in the first instance, if to the said Justices it shall seem fit, may be committed to the Common Gaol or House of Correction, with or without Hard Labour, for any Period not exceeding Six Calendar Months.

Obstructing Entry of Constables to be Evidence of House being a Common Gaming House.

II. Where any Constable or Officer authorized as aforesaid to enter any House, Room, or Place is wilfully prevented from or obstructed or delayed in entering the same or any Part thereof, or where any external or internal Door of or Means of Access to any such House, Room, or Place so authorized to be entered shall be found to be fitted or provided with any Bolt, Bar, Chain, or any Means or Contrivance for the Purpose of preventing, delaying, or obstructing the Entry into the same or any Part thereof of any Constable or Officer authorized as aforesaid, or for giving an Alarm in case of such Entry, or if any such House, Room, or Place is found fitted or provided with any Means or Contrivance for unlawful Gaming, or with any Means or Contrivance for concealing, removing, or destroying any Instruments of Gaming, it shall be Evidence, until the contrary be made to appear, that such House, Room, or Place is used as a Common

Gaming

Gaming House within the Meaning of this Act and of the former Acts relating to Gaming, and that the Persons found therein were unlawfully playing therein.

III. If any Person found in any House, Room, or Place entered by any Constable or Officer authorized as aforesaid to enter the same, upon being arrested by any such Constable or Officer, or upon being brought before any Justices, on being required by such Constable or Officer or by such Justices to give his Name and Address, shall refuse or neglect to give the same, or shall give any false Name or Address, he may, upon summary Conviction thereof before the same or any other Justices, be adjudged to pay any Penalty not exceeding Fifty Pounds, together with such Costs as to such Justices shall appear reasonable, and on the Nonpayment of such Penalty and Costs, or in the first instance, if to such Justices it shall seem fit, may be imprisoned in the Common Gaol or House of Correction for any Period not exceeding One Month.

Penalty on Persons apprehended for giving false Names or Addresses.

IV. Any Person, being the Owner or Occupier, or having the Use of any House, Room, or Place, who shall open, keep, or use the same for the Purpose of unlawful Gaming being carried on therein, and any Person who, being the Owner or Occupier of any House or Room, shall knowingly and wilfully permit the same to be opened, kept, or used by any other Person for the Purpose aforesaid, and any Person having the Care or Management of or in any Manner assisting in conducting the Business of any House, Room, or Place opened, kept, or used for the Purpose aforesaid, and any Person who shall advance or furnish Money for the Purpose of gaming with Persons frequenting such House, Room, or Place, may, on summary Conviction thereof before any Two Justices of the Peace, be adjudged by such Justices to forfeit and pay such Penalty not exceeding Five hundred Pounds as to such Justices shall seem fit, and may be further adjudged by such Justices to pay such Costs attending such Conviction as to them shall seem reasonable; and on the Nonpayment of such Penalty and Costs, or in the first instance, if to the said Justices it shall seem fit, may be committed to the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Twelve Calendar Months.

Penalties on Persons keeping Gaming Houses.

V. It shall be lawful for the Justices before whom any Persons shall be brought who have been found in any House, Room, or Place entered in pursuance of any Authority granted under the Provisions of the said Act of the Eighth and Ninth Years of Her Majesty, to require any of such Persons to be examined on Oath and give Evidence touching any unlawful Gaming in such House, Room, or Place, or

Justices may require any of the Persons apprehended to be sworn and give Evidence.

or touching any Act done for the Purpose of preventing, obstructing, or delaying the Entry into such House, Room, or Place or any Part thereof of any Constable or Officer authorized as aforesaid; and no Person so required to be examined as a Witness shall be excused from being so examined when brought before such Justices as aforesaid, or from being so examined at any subsequent Time, by or before the same or any other Justices, or by or before any Court, on any Proceeding, or the Trial of any Indictment, Information, Action, or Suit in anywise relating to such unlawful Gaming or any such Acts as aforesaid, or from answering any Question put to him touching the Matters aforesaid, on the Ground that his Evidence will tend to criminate himself; and any such Person so required to be examined as a Witness who refuses to make Oath accordingly, or to answer any such Question as aforesaid, shall be subject to be dealt with in all respects as any Person appearing as a Witness before any Justices or Court in obedience to a Summons or Subpœna, and refusing, without lawful Cause or Excuse, to be sworn or to give Evidence, may by Law be dealt with.

Penalty on refusing to be sworn.

Persons required to be examined as Witnesses, and making a full Discovery, to be freed from all Penalties, &c.

VI. Every Person so required to be examined as a Witness as aforesaid, who upon such Examination shall make true and faithful Discovery to the best of his Knowledge of all Things as to which he is so examined, shall receive from the Justices or Judge of the Court by whom he is examined a Certificate in Writing to that Effect, and shall be freed from all Criminal Prosecutions and Penal Actions, and from all Penalties, Forfeitures, and Punishments to which he may have become liable for anything done before that Time in respect of the Matters touching which he has been so examined; but such Witness shall not be indemnified under this Act unless he receive from such Justices or Judge a Certificate in Writing under their Hands, stating that such Witness has on his Examination made a true Disclosure touching all Things as to which he has been examined; and if any Action, Information, or Indictment be at any Time pending in any Court against any Person so examined in respect of any Act of Gaming touching which he was so examined, and if any Action, Information, or Indictment be at any Time pending in any Court against any Person so examined as a Witness in manner before mentioned, for any such Matter or Thing, such Court shall, on the Production and Proof of such Certificate, stay the Proceedings in any such Action, Information, or Indictment, and may, in its Discretion, award to such Person such Costs as he may have been put to by such Action, Information, or Indictment.

Penalties and Costs may be

VII. If any Person convicted under this Act on Information before Justices shall be adjudged to pay any Penalty or any Costs and

and Charges attending the Conviction, and shall fail to pay such Penalty or Costs, the same may be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of the convicting Justices: Provided always, that if any Person shall be committed to Prison for Default of Payment of any Penalty and Costs, then the Costs alone may be levied by Distress as aforesaid. levied by Distress.

VIII. One Half of any pecuniary Penalty which shall be adjudged to be paid under this Act shall be paid to the Person laying the Information upon which the Conviction takes place, and the remaining Half shall be applied in aid of the Poor Rate of the Parish in which the Offence shall have been committed, and shall be paid for that Purpose to the Overseer or other Person authorized to receive Poor Rates in such Parish, or if the Place wherein the Offence shall have been committed shall be extra-parochial, then the Justices by whom such Penalty shall be adjudged to be paid shall direct such remaining Half thereof to be applied in aid of the Poor Rate of such extra-parochial Place, or if there shall not be any Poor Rate therein, in aid of the Poor Rate of any adjoining Poor Rate or District. Applications of Penalties.

IX. In case any Person who shall have laid any Information in respect of any Offence against this Act shall not appear at the Time at which the Defendant shall have been summoned to appear, or at any Time to which the Hearing of the Summons may have been adjourned, or, if such Person, in the Opinion of any Justices having Authority to adjudicate with respect to the Offence charged in such Information as aforesaid, shall otherwise have neglected to proceed upon or prosecute such Information with due Diligence, it shall be lawful for such Justices to authorize any other Person to proceed on such Information and Summons instead of the Person to whom the same may have been granted, or such Justices may dismiss the first Information and Summons, and authorize any Person to lay a fresh Information in respect to the Offence charged in such first Information, in like Manner as if the previous Summons had not been granted. On Neglect to prosecute any Summons, Justices may authorize some other Person to proceed.

X. Any Person who shall be summarily convicted under this Act may appeal to the next General or Quarter Session of the Peace to be holden for the County or Place wherein the Cause of Complaint shall have arisen, provided that such Person, at the Time of such Conviction, or within Forty-eight Hours thereafter, enter into a Recognizance, with Two sufficient Securities, conditioned personally to appear at the said Session to try such Appeal, and to abide the Appeal to Quarter Sessions.

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further Judgment of the Court at such Session, and to pay such Costs as shall be by the last-mentioned Court awarded; and it shall be lawful for the Magistrate or Justices by whom such Conviction shall have been made to bind over any Party who shall have made Information against the Party convicted, and any Witnesses who shall have been examined, in sufficient Recognizances, to attend and be examined at the Hearing of such Appeal; and every such Witness, on producing a Certificate of being so bound, under the Hand of the said Magistrate or Justices, shall be allowed Compensation for his or her Time, Trouble, and Expenses in attending the Appeal, which Compensation shall be paid in the first instance by the Treasurer of the County or Place, in like Manner as in Cases of Misdemeanor, under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England, and in case any such Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expenses of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the said Treasurer by the Appellant.

7 & 8 G. 4. c. 28.

No Objection allowed to Information whereon Conviction has taken place, &c. in Matter of Form. Judgment not removable by Certiorari.

XI. On any such Appeal, no Objection shall be allowed to the Information whereon the Conviction has taken place, or to such Conviction, on any Matter of Form or on any Insufficiency of Statement, provided it shall appear to the Justices in Quarter Sessions that the Defendant has been sufficiently informed of the Charge intended to be made against him, and that such Conviction was proper on the Merits of the Case; and no Information, Conviction, or Judgment of the Justices in General or Quarter Sessions shall be removed by Certiorari into the Court of Queen's Bench.

Distress not unlawful for Want of Form.

XII. When any Distress shall be made for any Money to be levied by virtue of the Warrant of any Justice under this Act, the Distress shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Warrant of Apprehension, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser from the Beginning, on account of any Irregularity which shall be afterwards committed by him; but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case in any of Her Majesty's Courts of Record.

Tender of Amends.

XIII. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby

hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

XIV. No Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for anything done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Suit, Information, or other Proceeding, to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

Commencement of Act.

XV. This Act shall commence and come into operation on the First Day of *August* One thousand eight hundred and fifty-four.

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be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

I. All and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-five, or if Parliament be then sitting before the End of the then Session of Parliament, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned Acts and every of them; and all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration.

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Oaths and Declaration according to the Directions of an Act passed

in the Parliament of *Ireland* in the Second Year of Queen *Anne*, intituled *An Act to prevent the further Growth of Popery:* required by the Irish Act, 2 Anne, c. 6.

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-five, or if Parliament be then sitting before the End of the then Session of Parliament.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law. Not to indemnify Persons against whom final Judgment has been given

IV. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force. Not to exempt Justices acting without legal Qualification

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid: Admissions to Corporations may be stamped after the Time allowed.

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons, in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-five, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce

such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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CAP. XL.

An Act to continue an Act of the last Session of Parliament, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.

[24th *July* 1854.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurances on Lives*, which Act was limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-four: And whereas it is expedient to continue the said Act for such Period as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 16 & 17 Vict. c. 91.

I. That the said Act shall continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-five, and shall be applicable with respect to the Rate or Duty of One Shilling and Twopence for every Twenty Shillings granted by the Act of the present Session Recited Act continued till 5th July 1855.

 of

of Parliament, Chapter Twenty-four, in like Manner as to the Rate or Duty of Sevenpence for every Twenty Shillings granted by the Act of the last Session of Parliament, Chapter Thirty-four.

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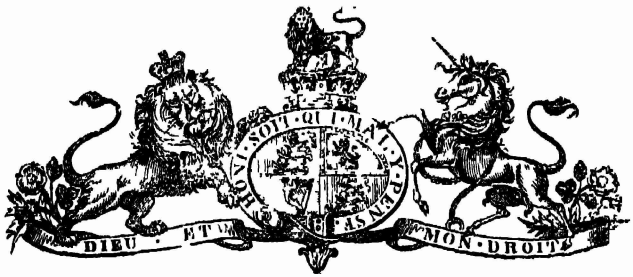

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VICTORIÆ REGINÆ.

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CAP. XLI.

An Act to continue the Poor Law Board.

[25th *July* 1854.]

WHEREAS by the Act of the Eleventh Year of Her Majesty, Chapter One hundred and nine, Provisions were made for the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in *England*, and for the Appointment of other Officers, which Provisions have been continued till the End of the Session of Parliament next after the Twenty-third Day of *July* in this present Year, and it is expedient that such Provisions should be further continued for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

10 & 11 Vict. c. 109.

15 & 16 Vict. c. 59

I. That the Commissioner appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said Act, together with every Person by the said Act constituted in virtue of his Office such Commissioner, and every Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said Act, shall be empowered, unless he shall previously resign or be removed,

The Poor Law Board further continued.

to

to hold his Office and exercise the Powers thereof until the Twenty-third Day of *July* One thousand eight hundred and fifty-nine, and thenceforth until the End of the then next Session of Parliament; and until the Expiration of the said last-mentioned Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at pleasure, to remove the Commissioner for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, and upon every Vacancy in the Office of such Commissioner to appoint as in the said Act is described some other fit Person to the said Office.

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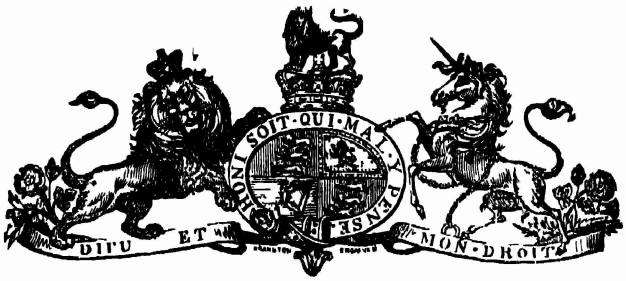

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XLII.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [24th *July* 1854.]

WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

4 & 5 Vict. c. 6.

16 & 17 Vict. c. 76.

I. Any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day

Acts for making, &c. Turnpike Roads in

Ireland, which will expire on 31st July 1855, &c. continued.

Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, or before the Thirty-first Day of *July* One thousand eight hundred and fifty-five, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-five, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Nothing in this Act to apply to 38 G. 3. c. 22. and 39 G. 3. c. 52.

II. Provided always, That nothing herein contained shall extend or apply to an Act of the Thirty-eighth Year of His late Majesty *George* the Third, intituled *An Act for improving and repairing the Turnpike Roads leading from the City of* Cork *to the Brook which bounds the Counties of* Cork *and* Tipperary, *near the Foot of* Kilworth *Mountain, and for repealing the several Laws heretofore made relating to the said Act*, or to an Act of the Thirty-ninth *George* the Third to explain and amend the said Act.

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VICTORIÆ REGINÆ.

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CAP. XLIII.

An Act to continue an Act of the Seventeenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund.

[24th *July* 1854.]

WHEREAS by the Act of the Seventeenth Year of Her Majesty, Chapter Seventy-seven, certain Provisions made by the several Acts therein referred to for charging upon the Common Fund of the Union the Costs of the Relief and of the Burial of certain poor Persons in those several Acts described, and the Costs of removing and maintaining certain Lunatic Paupers, were continued until the Thirtieth Day of *September* in this present Year, and to the End of the then next Session of Parliament: And whereas by another Act of the same Session, Chapter Ninety-seven, certain of those Provisions relating to the Costs of the Removal and Maintenance of such Lunatic Paupers were repealed; and it is expedient that so much of the Provisions so continued by the first-mentioned Act as are now in force should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

16 & 17 Vict. c. 77

16 & 17 Vict. c. 97.

I. That

Union Charges Continuance.

Provisions in recited Act, 16 & 17 Vict. c. 77., further continued.

I. That all the said several temporary Provisions continued by the said Act of the Seventeenth Year of Her Majesty, Chapter Seventy-seven, which have not been repealed, shall further continue in full Force until the Thirtieth Day of *September* One thousand eight hundred and fifty-five, and to the End of the then next Session of Parliament.

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VICTORIÆ REGINÆ.

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CAP. XLIV.

An Act for regulating and maintaining the Harbours of *Holyhead*, and for vesting them in the Admiralty. [24th *July* 1854.]

WHEREAS by the Act Fourth *George* the Fourth, Chapter Seventy-four, the Harbour of *Holyhead* in the County of *Anglesea*, and all Roads, Piers, Quays, Erections, and Buildings whatsoever made, erected, or built under the Authority of the Act Fiftieth of *George* the Third, Chapter Ninety-three, or belonging to the said Harbour, and the Ground and Soil thereof on which the same were erected and built, and all Ground applied for such Purposes, or purchased or taken by the Commissioners under such last-mentioned Act, and all the Powers and Authorities of such Act, were by the said Act of the Fourth of *George* the Fourth, Chapter Seventy-four, vested in the Commissioners appointed and to be appointed by or under that Act: And whereas by the Act Fourth of *William* the Fourth, Chapter Forty-three, the said Harbour, and all Lands, Houses, Hereditaments, Properties, Rights, and Privileges whatsoever vested in the Commissioners under the said Act of the Fourth of *George* the Fourth, Chapter Seventy-four, were vested in the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and other Commissioners to be appointed under the said Act of the Fourth of *William* the Fourth, Chapter Forty-three, now in recital: And whereas

4 G. 4. c. 74.

4 W. 4. c. 43.

11 & 12 Vict. c. 76.

by the Act Eleventh of *Victoria*, Chapter Seventy-six, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being were empowered to purchase Lands for the Purpose of another Harbour, namely, a Harbour of Refuge, at or near *Holyhead* in the County of *Anglesea*, and divers Lands have been purchased under the said Act for such Purpose: And

15 & 16 Vict. c. 42.

whereas by the Act Fifteenth of *Victoria*, Chapter Forty-two, all the Lands, Tenements, Hereditaments, and Property which at the Commencement of that Act should be vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or for the Purposes of the said Acts of the Fourth of *William* the Fourth, Chapter Forty-three, and the Eleventh of *Victoria*, Chapter Seventy-six, were vested in the Commissioners of Her Majesty's Works and Public Buildings, and their Successors: And whereas it is expedient that the said several Harbours, and all the said Lands and Hereditaments, Powers, Authorities, Rights, and Privileges, relating to the said Harbours, should be vested in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* (herein elsewhere styled the Commissioners of the Admiralty), and that such Commissioners should have the Control and Management thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Harbours at Holyhead, and all Docks, &c. belonging thereto, vested in the Admiralty.

I. The said several Harbours at or near *Holyhead* aforesaid, herein-before mentioned or referred to, and all Docks, Roads, Breakwaters, Lighthouses, Piers, Quays, Wharves, Erections, Works, and Buildings belonging to the said Harbours, and each and every of them, and the Ground and Soil thereof, and all Lands and Hereditaments purchased or to be purchased or which may have become vested in any Commissioners, or to which they may be entitled, under the herein-before recited Acts or any or either of them, or otherwise, for the Purposes of the said Harbours or any or either of them, are hereby solely and exclusively transferred to and vested in the Commissioners of the Admiralty, and their Successors in Office for ever, in trust for Her Majesty, Her Heirs and Successors, for the Public Service, and all the Powers, Rights, Authorities, and Privileges of, in, over, or upon or relating to the said Harbours and Hereditaments or any or either of them, and of imposing, collecting, taking, and recovering Rates and Duties, and of purchasing or acquiring Lands and Hereditaments for the Purposes of the said Harbours or any or either of them, and of appointing and removing Harbour Masters, Assistant Harbour Masters, Collectors, and other Officers for the same, which are or may be conferred by all or any One or more of the herein-before recited Acts, are hereby transferred to and vested in and may be exercised by the

the said Commissioners of the Admiralty exclusively, and the Commissioners and other Persons in whom the same are vested or might have become vested, under or by virtue of all or any of the said herein-before recited Acts, are hereby discharged from and shall cease to carry into execution and to exercise all and every the Trusts and Powers vested in or conferred upon them by the said Acts or any or either of them, and are hereby divested of all Estate and Interest therein, so far as regards the said Harbours and Hereditaments, Powers, Authorities, Rights, and Privileges.

Power to Admiralty to demand Tonnage Rates for Vessels, &c. as herein mentioned.

II. From and after the passing of this Act, it shall be lawful for the Commissioners of the Admiralty to demand for every Vessel on board which may be shipped or from which may be landed within the said Harbour of Refuge at *Holyhead*, for commercial Purposes, any Cattle, Beast, or Fowl, living or dead, or any Provisions, Stores, Goods, or Merchandise, for every Time such Vessel uses or enters such Harbour, and ships or lands such Articles as aforesaid, any Sum for every Ton Measurement of such Vessel not exceeding the Rates herein-after mentioned; and every such Rate shall be payable by the Master, Owner, or Consignee of such Vessel; (that is to say,)

For every such Vessel coming into the said Harbour of Refuge from any Port or Ports other than a Port in the United Kingdom, a Sum not exceeding the Sum of Twopence for every Ton of such Vessel, at the Discretion of the said Commissioners:

And for every other such Vessel, a Sum not exceeding the Sum of One Halfpenny for every Ton of such Vessel, at the Discretion of the said Commissioners:

Vessels using Her Majesty's Steam Tugs to pay such Sums as the Admiralty shall appoint.

And every Ship or Vessel which may be permitted to use Her Majesty's Steam Tugs, or any One or more of them, shall pay such Sum or Sums of Money for the same, according to the Draught of the said Ship or Vessel, and the Time employed or Distance towed, as the Commissioners of the Admiralty shall at any Time or Times appoint; and such Sum or Sums of Money shall be recoverable, with Costs, in the same Manner and from such Persons as the said Rates or Dues last herein-before mentioned.

Certain Clauses of 10 & 11 Vict. c. 27. incorporated with this Act.

III. The following Clauses of the "Harbours, Docks, and Piers Clauses Act, 1847," shall, so far as the same can or may be applicable to the said Harbour of Refuge at *Holyhead*, and the Docks, Piers, Wharves, Quays, and other Works thereof, and the Rates or Dues imposed by this Act, be and the same are hereby incorporated with this Act; that is to say, the Clauses of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Rates to be taken by the Undertakers (with the Exception of Sections Twenty-five and Twenty-six of that Act), the Clauses of such Act with respect to the Collection and Recovery of Rates, with respect to the Accounts to be kept of the Rates

Rates and of the Vessels in respect of which they are payable, and with respect to the discharging of Vessels and the Removal of the Goods.

As to Clauses of 10 & 11 Vict. c. 27. incorporated.

IV. For the Purposes of the Clauses of the "Harbours, Docks, and Piers Clauses Act, 1847," incorporated with this Act, this Act shall be and be deemed to be the Special Act, and the Commissioners of the Admiralty shall be and be deemed to be the Undertakers mentioned or referred to in such Clauses or in some of such Clauses.

Application of Rates.

V. The Rates or Dues hereby imposed in respect of the said Harbour of Refuge, and each and every of them, which may be received or collected under the Authority of this Act, shall be applied, in the first place, in or towards paying Salaries and Allowances to the Harbour Master, Assistant Harbour Master, and other Officers of the said Harbour of Refuge, and, in the next place, in or towards repairing or improving the same Harbour, and its Works and Approaches thereto, as the Commissioners of the Admiralty may at any Time or Times and from Time to Time direct.

Admiralty may appoint Harbour Master and other Officers for the Harbour of Refuge.

VI. It shall be lawful for the Commissioners of the Admiralty and they are hereby authorized and empowered to appoint, if and as they think fit, a Harbour Master, Assistant Harbour Master, and other Officers for the said Harbour of Refuge at or near *Holyhead*, and from Time to Time to remove any such Harbour Master, Assistant Harbour Master, and other Officers, or any of them, and to appoint any other or others in his or their Stead, at the Will and Pleasure of the said Commissioners; and all the Powers and Authorities conferred by the said Act of the Fourth of *George* the Fourth, Chapter Seventy-four, upon the Harbour Master, Assistant Harbour Master, and other Officers of the Harbour of *Holyhead*, referred to in the same Act, are, as regards the said Harbour of Refuge and its Works and the Purposes thereof, hereby conferred upon and shall be exercised by every Harbour Master, Assistant Harbour Master, and other Officers who may be appointed under or by virtue of this Act for the said Harbour of Refuge.

Certain Sections of 4 G. 4. c. 74. extended to the Harbour of Refuge.

VII. The Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, Fifty-fifth, and Fifty-sixth Sections of the said Act of the Fourth of *George* the Fourth, Chapter Seventy-four, are hereby extended and made applicable also to the said Harbour of Refuge, in the same Manner as the same Sections are applicable to the said Harbour of *Holyhead* referred to in the said Act of the Fourth of *George* the Fourth, Chapter Seventy-four, and as if the said Harbour of Refuge had been mentioned in the said Sections together with

with the said Harbour of *Holyhead;* and all Penalties and Forfeitures against this Act, or any Byelaw, Rule, Order, Regulation, or Ordinance of the said Commissioners of the Admiralty, made under or by virtue of this Act, shall be recoverable in a summary Manner before any Justice of the Peace for the County of *Anglesea*, or before any Justice of the Peace acting for the Division, Riding, County, Town, City, Borough, or Place where the Party liable thereto may at any Time happen to be; and the Penalties and Forfeitures summarily recoverable under this Act and the said Acts herein-before recited, and each and every of them, may be summarily recovered at any Period within Two Years from the Time when the Matter of the Complaint or Information arose; and all Penalties and Forfeitures which may be incurred and recovered under this Act shall, when not otherwise provided for by this Act, be paid and applied as follows: One Moiety of the same shall be paid to the Informer, and the other Moiety thereof shall be paid to and be applied by such Officer or Person as the Commissioners of the Admiralty may at any Time or from Time to Time direct, any Act or Acts of Parliament to the contrary notwithstanding.

How Penalties may be recovered.

Application of Penalties.

VIII. Any Harbour Master or Assistant Harbour Master already appointed under or by virtue of the herein-before recited Act of the Fourth of *George* the Fourth, Chapter Seventy-four, or to be appointed under or by virtue of the same Act or of this Act, may remove any Wreck, or any Ship, Vessel, Lighter, Barge, Boat, or other Craft which is or shall be stranded or sunk in the said Harbours or any or either of them, or in the Approaches thereto, by getting off, raising, blowing up, destroying, or otherwise removing the same, and also to remove any floating Timber, Anchor, Chain, Rope, or any other Obstruction whatsoever which impedes or which may impede the Navigation of the said Harbours or any or either of them, or the Approaches thereto; and the Expense of removing any such Wreck, Ship, Vessel, Lighter, Barge, Boat, or other Craft, floating Timber, Anchor, Chain, Rope, or Obstruction, shall be repaid by the Owner of or other Person having or pretending to have any Property, Claim, or Interest therein, or Command or Power over the same; and the said Harbour Master or Assistant Harbour Master may detain such Wreck, Ship, Vessel, Lighter, Barge, Boat, or other Craft, floating Timber, Anchor, Chain, Rope, or Obstruction, for securing the Expenses of the Removal thereof and consequent thereupon, and on Nonpayment of such Expenses may, if he think proper, at any Time sell such Wreck, Ship, Vessel, Lighter, Barge, Boat, or other Craft, or the whole or any of the Cargo thereof, and such floating Timber, Anchor, Chain, Rope, or Obstruction, and out of the Proceeds of such Sale pay such Expenses, rendering the Overplus, if any, to the Owner; but if such Proceeds be insufficient to pay such

As to Removal of Wrecks, &c.

Expenses, or if there be not any Sale, and the said Owner or other Person so liable shall refuse or neglect to pay the Deficiency, or the whole of the Expense of any such Removal, as the Case may be, such total Expense of Removal or such Deficiency may be recovered from the said Owner or other Person by summary Complaint as payable by him to the Harbour Master, Assistant Harbour Master, or other Officer by whom or by whose Order such Wreck, Ship, Vessel, Lighter, Barge, Boat, or other Craft, floating Timber, Anchor, Chain, Rope, or Obstruction shall have been removed, in *England* or *Ireland* before any Justice of the Peace, and in *Scotland* before any Sheriff, within whose Jurisdiction the Owner or such other Person may or may at any Time happen to be, together with the Costs incurred in obtaining Payment of the same.

Ships, &c. laid by or neglected within the Harbours, to be removed at Expense of Owners, &c.

IX. If any Ship, Vessel, Lighter, Barge, Boat, or other Craft be laid by or neglected within the said Harbours or any or either of them, or in or near the Approaches thereto, any such Harbour Master or Assistant Harbour Master as aforesaid may remove or cause to be removed the same from the said Harbours or any or either of them, or the Approaches thereto, and place or cause to be placed the same on any Part of the Strand or Shore or other Spot where the same can be placed; and the Charges of such Removal and placing may be recovered from the Owner thereof or other Person having or pretending to have any Property, Claim, or Interest therein, or Command or Power over the same, by summary Complaint, as payable by him to the Harbour Master, Assistant Harbour Master, or other Officer by whom or by whose Order the same shall have been removed, in *England* or *Ireland* before any Justice of the Peace, and in *Scotland* before any Sheriff within whose Jurisdiction such Owner or other Person may or may at any Time happen to be, together with the Costs incurred in obtaining Payment of the same; and in case of Refusal or of Failure or Neglect of Payment of such Charges and Costs or any or either of them, after having been awarded by such Justice or Sheriff, and in addition to any other Remedy which there may be for enforcing Payment thereof, and to the Proceedings which may be taken for or by reason of any such Refusal, Neglect, or Default, such Harbour Master, Assistant Harbour Master, or other Officer as aforesaid may sell such Ship, Vessel, Lighter, Barge, Boat, or other Craft, and the Tackle, Apparel, Cargo, or Furniture thereof, or any Part thereof, and apply the net Proceeds in or towards Payment of such Charges and Costs, the said Owner or other Person being liable to pay the Deficiency thereof, if any, and in respect of which Deficiency Proceedings may be taken as if no such Sale had been effected.

Proceedings in case Owners, &c. neglect or refuse Payment.

Section 2. of 14 Vict. c. 111. re-

X. The Second Section of the Act Fourteenth of *Victoria*, Chapter One hundred and eleven, is hereby repealed, and the Commissioners of the

the Admiralty may at any Time, or from Time to Time, as they may deem expedient, authorize the *Chester and Holyhead* Railway Company to construct any Quay, Wharf, or other Works in or in connexion with the said Harbours and Piers or any or either of them, or to have Access to or make Communication with the said Harbours and Piers or any or either of them, and to lay down a Railway or Railways on the said Piers or any or either of them, and to make other Arrangements for facilitating the landing and embarking in, at, and from such Harbours and Piers, or any or either of them, of Passengers, Goods, Cattle, and Merchandise, upon such Terms and subject to such Conditions as the Commissioners of the Admiralty may think fit.

pealed, and other Provisions made in lieu thereof.

XI. If the said Company be allowed to construct or lay down any such Work as aforesaid, it shall not be lawful for the said Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the Consent or Approval of the Commissioners of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty; and if any such Work, or any Work by any Person whomsoever in the said Harbours or any or either of them, or in or on any Property hereby vested in the Commissioners of the Admiralty, shall be commenced or completed, or be altered or extended, without or not in accordance with the Terms of any such Consent as aforesaid, or contrary to the Provisions of this Act, it shall be lawful for the Commissioners of the Admiralty to abate, alter, or remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Company, or Person commencing, completing, altering, or extending any such Work, and the Amount thereof shall be a Debt due from such Company or Person to the Crown, and be recoverable accordingly, with Costs of Suit; and as regards the Site of any Railway or Work of the said Company, or of any Person to which any Authority or Consent of the Commissioners of the Admiralty may apply, such Site shall not, by reason of any such Authority or Consent, become the Property of the said Company or Person, or of any Person claiming under them or him, by Length of Occupation or Enjoyment, or otherwise, but shall remain vested in the Commissioners of the Admiralty, unless expressly granted away by them.

Works constructed, &c. without Consent of Admiralty may be abated, &c. at Expense of Parties acting without such Consent.

XII. If any such Work commenced or constructed with such Consent as aforesaid be afterwards abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Commissioners of the Admiralty to abate and remove the same or such Part or Parts thereof as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company or Person who may have commenced or constructed the same, and the Amount thereof shall be a Debt due from such Company or Person to the Crown, and be recoverable accordingly, with Costs of Suit.

Works abandoned may be removed by Admiralty, at Expense of Parties, &c.

XIII. The

Section 44. of 4 Geo. 4. c. 74., as to Rates for Graving Docks, repealed.

XIII. The Forty-fourth Section of the said Act of the Fourth Year of *George* the Fourth, Chapter Seventy-four, is hereby repealed; and it shall be lawful for the Commissioners of the Admiralty, and they are hereby authorized and empowered, by their Collector or Collectors, Agent or Agents, or other Person or Persons duly authorized or appointed, to ask, demand, take, have, and receive the same, and in case of Refusal or Nonpayment thereof to recover by such and the same Method and Means as other Rates and Duties by the said Act granted to be payable within the said Harbour of *Holyhead* therein referred to are prescribed to be collected, levied, and recovered, of and from the Owner or Owners, or his or their Agent, or from the Commander or other Person having the Charge of any Ship or Vessel entering the Dry or Graving Dock in the said Act referred to, or any Dry or Graving Dock which has been or may be constructed in the said Harbour of *Holyhead* or in the said Harbour of Refuge, and receiving Repairs therein, such Sum and Sums of Money for the first and for each and every subsequent Twenty-four Hours that such Ship or Vessel using the same shall lie in any such Dry or Graving Dock as the Commissioners of the Admiralty shall at any Time or Times appoint, the said Sums to be applied towards the Repairing and Maintenance of the said Harbour of *Holyhead* referred to in the said Act, if they be payable for any such Dock belonging to the said Harbour, and if payable for any such Dock belonging to the said Harbour of Refuge, such Sums shall be applied in the same Manner as the other Rates and Dues hereby imposed in respect of the said Harbour of Refuge are hereby made applicable.

Treasury may order Compensation to Harbour Officers.

XIV. It shall be lawful for the Commissioners for the Time being of Her Majesty's Treasury to order that such fair and reasonable Compensation as they in their Discretion shall think fit to direct shall be made to any Officers of the said Harbours or either of them, whose Offices may be abolished or whose Services may be discontinued in consequence of or after the passing of this Act, and such Compensation shall from Time to Time be paid out of any Monies appropriated or which may be appropriated by Parliament for the Purpose.

Powers of the Admiralty may be exercised by Two or more of the Commissioners.

XV. All Powers and Authorities hereby vested in and conferred upon the Commissioners of the Admiralty may be exercised by the Commissioners of the Admiralty for the Time being, or by any Two or more of them.

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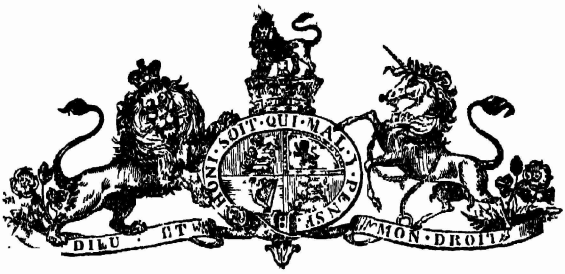


ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

Dublin Carriage.

Commissioners to grant Licences to Proprietors.

II. The Commissioners of Police of the Police District of *Dublin* Metropolis, or their Officer authorized in that Behalf, shall and may grant Licences, upon the Terms and Conditions and in the Manner and Form herein-after mentioned, to keep, ply, use, or let to Hire any Stage Carriage, Job Carriage, Hackney Carriage, Cabriolet, Cart, or Job Horse, within the Limits of the said Act, and every such Licence shall take effect from the Date thereof, and shall continue in force so long as the annual Duty payable thereupon under the Provisions of this Act, to be computed from the First Day of *January* of each Year, shall be paid in manner as herein directed, or until the same shall be voluntarily surrendered by the Party named therein, or otherwise be determined or revoked, under the Provisions of the said Act or of this Act; and every such Payment of Duty shall be made at the Office provided for the Purpose by the said Commissioners, in One annual Payment, at a Time or within a Period to be specified in such Licence as and for such Payment; and such Payment of the said annual Duty in respect of the Carriage, Cabriolet, Cart, or Horse described in the said Licence shall be certified by the Officer duly authorized for that Purpose, whose Certificate thereof shall be received as sufficient Evidence of the Existence or Continuance in force of said Licence: Provided always, that in regard of any such Carriage, Cabriolet, Cart, or Job Horse it shall be lawful for the said Commissioners, if they shall think proper, to refuse to grant any such Licence, or to revoke or suspend for such Time as they shall think proper any such Licence which may have been theretofore granted, and to recal and take away the *Dublin* Plate belonging thereto, in case it shall appear to the said Commissioners, upon Inspection or otherwise, that the Carriage, Cabriolet, Cart, or Job Horse in respect of which such Licence shall be applied for or granted, or any Horse or Harness used with any such Carriage, Cabriolet, or Cart, is unserviceable or unsafe, or otherwise unfit for public Accommodation or Use, or that the Person applying for or in possession of any Licence is an unfit Person to hold the same, by reason of his having been convicted of any Theft or Felony, or of his having been convicted of any Assault, or of Drunkenness, or of any Breach of the Provisions of the said Act or of this Act, or of the Rules, Orders, or Byelaws made in pursuance thereof; but in all such Cases of Refusal or Revocation the said Commissioners shall endorse upon, or annex in Writing to such Licence, or the Requisition therefor, the Grounds for such Refusal or Revocation: Provided also, that a Licence shall not on any account be granted to any Person under the Age of Eighteen Years, otherwise than jointly with some Person of full Age who shall be appointed to act as Trustee, Executor, Guardian, or Administrator of the Will or Personal Estate of a Proprietor dying while licensed, and in any such Case the Trustee, Executor, Guardian, or Administrator named in

Commissioners may refuse or revoke Licences.

in the Licence shall, during the Minority of any Person or Persons named in such Licence with him, be accountable in all respects as if Proprietor of such Carriage, Cabriolet, Cart, or Horse: Provided also, that there shall be obtained a separate and distinct Licence for using or letting to Hire every Hackney Carriage, Job Carriage, Stage Carriage, Cabriolet, Job Horse, and Cart; but no Licence so obtained shall authorize the Use of any such Carriage, Cabriolet, or Cart in any Manner contrary to the Import of the Licence appertaining to such Carriage, Cabriolet, or Cart, within the Meaning of this Act: Provided also, that in every Case in which a Licence is to be obtained the proper Duty in respect of the Carriage, Cabriolet, Cart, or Horse to be described therein shall be first paid as herein required, and shall be paid in every Year thenceforward while in force, according to the General Regulations which the said Commissioners shall require to be observed, and which they are by this Act empowered to make for the Purpose, and to prescribe in each Licence.

Licences to be an Authority only to Persons named therein.

III. Every Licence to be issued under this Act shall be deemed to be an Authority only to the Person or Persons named therein; but on the Transfer, by Sale or otherwise, of the Property or Ownership in any Carriage (other than a Hackney Carriage), or in any Cabriolet, Job Horse, or Cart, for which a Licence shall be granted, or on the Admission of any Person as a Partner in the Ownership of any such Carriage, Horse, or Cart, it shall be lawful for the said Commissioners or their authorized Officer as aforesaid to grant, in lieu of such Licence, to any Person or Persons who shall be named in any Requisition to be addressed to them for the Purpose, a Licence to the like Effect; and on the Transfer, by Sale, Assignment, Bequest of, or Change of Property in any Manner whatsoever in any Hackney Carriage, or upon the Admission of any Person to a Share in the Ownership thereof, a Requisition for a Licence, according to the Nature of the Case, shall be first sent to the said Commissioners, and if they shall consider the Person so proposed or named as Purchaser, Assignee, Legatee, or Partner to be a fit Person to be licensed as a Proprietor of a Hackney Carriage, having regard to the Limitations herein made for the Purpose of preventing improper Persons from obtaining Licences, it shall then, but not otherwise, be lawful to grant, in lieu of the Licence for such Carriage or Cabriolet then in force, a Licence to the Person named in the said Requisition; and for every such Licence so granted upon the Sale or Assignment, Bequest of, or Change in the Property of any licensed Hackney Carriage, or upon the Admission of any Person to a Share in the Ownership thereof, the proper Fee or Sums appropriated thereto shall be first paid as hereinafter required; and in every such Case as aforesaid, in which the annual Duty according to any such Licence shall have been paid for

for the Year or Period then present, the new Licence shall be granted without Payment of any further Duty for such Year or Period: Provided also, that in all Cases it shall be sufficient in any Proceedings under this Act to name the Proprietor or Proprietors actually licensed at the Time, and on Proof thereof such Proceedings shall extend to and include every Person concerned in the Ownership of any Carriage, Cabriolet, Cart, or Horse in the Use, hiring, or plying of which any Offence or Injury shall be committed; and it shall and may be lawful to and for any of the Divisional Justices of the Police District of *Dublin* Metropolis, upon Complaint made to him in that Behalf, to inquire into all and every Matter and Thing respecting the Misconduct of any Proprietor, Part Proprietor, Driver, Conductor, or other Person belonging to or in any Manner connected with any such licensed Carriage, Cabriolet, Cart, or Job Horse, and to correct the same as he shall think proper, whether or not a Remedy may have been provided against such Misconduct by the said Act, or by the Rules, Orders, Regulations, or Byelaws made pursuant thereto.

Supplementary Licences may be granted in certain Cases.

IV. Whenever any of the Particulars entered or endorsed upon any Licence in force, under the Provisions of this Act or the before-recited Act, shall be obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any such Licence shall be proved to the Satisfaction of the said Commissioners to have been lost or mislaid, the Person to whom such Licence shall have been granted shall (if he shall have the same in his Possession or Power) deliver up such Licence, and shall make and sign a Requisition for a Supplementary Licence as herein provided, and then and in such Case it shall be lawful for the said Commissioners, or their authorized Officer as aforesaid, to grant to such Person a Supplementary Licence in lieu of the Licence so obliterated, defaced, lost, or mislaid, on Payment of the Sum of Two Shillings and Sixpence for and in respect of such Supplementary Licence where the same shall be required by the Proprietor of any licensed Carriage, Cart, or Job Horse, and on Payment of the Sum of One Shilling where such Supplementary Licence shall be required by the Conductor of any licensed Stage Carriage, or the Driver of any licensed Carriage whatsoever, and in like Manner a Supplementary Licence shall be taken out from Time to Time as often as any of the several Cases aforesaid shall occur: Provided always, that whenever any such Supplementary Licence shall be granted in lieu of any pre-existing Licence, such pre-existing Licence shall thenceforth cease and determine, and such Supplementary Licence shall be deemed to be the only Licence in force, and it shall not be necessary upon any Occasion to prove that such pre-existing Licence had been previously

Such Supplementary Licences to be then the only Licences in force.

previously taken out, nor shall the Circumstances under which such Supplementary Licence was issued be required to be proved, nor the Regularity of the Issuing thereof in any Manner questioned: Provided also, that it shall be lawful for the said Commissioners to refuse to grant any such Supplementary Licence if it shall appear to the said Commissioners that the Particulars entered or endorsed on any Licence so to be delivered up as aforesaid shall have been wilfully obliterated or rendered illegible by any other Means than by regular and proper Use and Wear thereof.

Commissioners may refuse to grant such in Cases of wilful Damage.

V. From and after the First Day of *August* One thousand eight hundred and fifty-four, all Licences theretofore granted by the said Commissioners to ply or let to Hire any Hackney Carriage, under the Provisions of the said Act, shall cease and determine, and be utterly null and void, and shall be delivered up to the said Commissioners, together with the *Dublin* Plate appertaining thereto: Provided always, that every Person who shall on the said First Day of *August* One thousand eight hundred and fifty-four be possessed of any such Licence as last aforesaid, and who shall, at any Time within One Calendar Month thereafter, apply for a Licence in lieu of such former Licence, and shall have paid all Fines and Forfeitures which may have been incurred by him in respect thereof, shall be *primâ facie* entitled to a Licence to ply or let for Hire a Cabriolet under the Provisions of this Act; and in consideration of the Duty theretofore paid on procuring such former Licence it shall be lawful to make a Deduction from the Amount of Duty payable under this Act for and in respect of the Cabriolet Licence so to be granted, equal to the Amount of Duty previously paid in respect of the former Licence so surrendered and delivered up.

Hackney Carriage Licences granted under 16 & 17 Vict. c. 112. null and void.

VI. The Number of Licences (subject, however, to the Conditions hereinafter mentioned and expressed respecting such Licences,) so as aforesaid to be granted by the said Commissioners or their authorized Officer to Proprietors of Hackney Carriages which shall be in force at any One and the same Time shall not at any Time exceed the Number of Licences in force on the First Day of *January* One thousand eight hundred and fifty-four: Provided, nevertheless, that when and so often as any Person, duly qualified to be licensed as a Proprietor of a Hackney Carriage, shall consent to pay to the Officer duly appointed to issue Licences under the said Act, for and in respect of a Licence for a Hackney Carriage, a Premium of Twelve Pounds Ten Shillings, it shall and may be lawful to and for the said Commissioners or their authorized Officer, then, but not otherwise, to grant to such Person a Licence to keep, ply, use, or let to Hire within the Limits of the said Act a Hackney Carriage, such Licence to be subject in all respects thereafter to the Provisions of the said Act and of this Act.

Limitation as to Number of Licences to be granted

Dublin Carriage.

Licence Duties to be paid as in Schedule (B.)

VII. From and after the First Day of *August* One thousand eight hundred and fifty-four, there shall be paid, in each and every Year, to the Officer duly appointed to issue Licences under the said Act, for and in respect of every Licence to be granted under this Act, for every Job Carriage, Stage Carriage, Hackney Carriage, Cabriolet, Cart, and Job Horse mentioned and described in the Schedule (B.) to this Act annexed, and which shall be deemed a Part of the same, the several annual Duties or Sums of Money set down in Figures against the same respectively; and for and in respect of every Licence so granted upon the Sale or Assignment, Bequest of, or Change in the Property of any licensed Hackney Carriage or Cabriolet, or upon the Admission of any Person to a Share in the Ownership thereof, there shall be paid to the aforesaid Officer the Fee or Sum appropriated and described in the said Schedule (B.), save where such Licence shall be granted to the Widow or Children of a Proprietor dying while licensed.

Duties may be altered or abolished, with Consent of Lord Lieutenant.

VIII. It shall and may be lawful for the said Commissioners, if they shall think proper, from Time to Time, in each and every Year, to alter and diminish, or to annul and abolish all or any of the several Duties, Sum or Sums of Money specified in the said Schedule (B.), or which shall hereafter under this Act be charged for and upon the respective Stage Carriages, Job Carriages, Hackney Carriages, and Cabriolets, Job Horses, and Carts, as described in the said Schedule, but so as that in case of any Alteration thereof, whether the same be by Diminution or wholly annulling the same, or whether the same shall affect all or any One or more of the same, such Alteration shall be approved of by the Chief or Under Secretary to the Lord Lieutenant of *Ireland*, and that wherever any of the said Duties shall be altered a Schedule of the new Duties shall, immediately after such Alteration shall have been approved of as aforesaid, be published once in the *Dublin Gazette*, and Three Times in any of the Newspapers published in *Dublin* within Seven Days next after the Publication of the Schedule last mentioned in the *Dublin Gazette;* and the said last-mentioned Schedule, after the Expiration of such Period of Seven Days, shall be deemed and taken to be a Part of this Act, in lieu of so much of the Schedule (B.) hereunto annexed, as often as any Duties shall be altered in the Manner herein provided.

Execution shall not be stayed unless the Party convicted shall give Security by Recognizance to prosecute Appeal.

IX. No Appeal shall stay or prevent the Execution of any Warrant or Process on any Conviction, unless the Party convicted shall before the convicting Justice or Justices enter into a Recognizance, with Two sufficient Sureties, in a Sum equal to double the Amount of the Penalty or Penalties in which the said Party shall have been convicted, and of the Costs awarded, if any, which Recognizance shall be conditioned that the Party so appealing shall personally

ally appear at the proper General Quarter Sessions, and abide the Judgment of the Court thereupon, and pay such Costs, if any, as shall be by the Court awarded, which Recognizance such Justice or Justices is and are hereby authorized to require and take of the Party convicted entering into such Recognizance; and the Justice who shall take such Recognizances is also hereby required to bind the Person who shall make the Charge on which such Judgment shall have been given in a Recognizance conditioned that he shall appear at such General or Quarter Sessions aforesaid, then and there to give Evidence against the Person so charged, and to in like Manner bind any other Person who shall have any Knowledge of the Circumstances of such Offence: Provided always, that in case such Appeal shall be dismissed, and such Conviction affirmed, the reasonable Expenses of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be paid by the Appellant or Appellants; and the Recognizance or Recognizances so entered into as aforesaid shall be estreated, unless such Expenses are so paid by such Appellant or Appellants; and it shall not be necessary at the Hearing of such Appeal to return or produce to the Court of Quarter Sessions any Record of the Conviction of the Defendant or Appellant before any Divisional Justice, but it shall be deemed sufficient for the Clerk of the convicting Justice to attend at such Court of Quarter Sessions, and produce the Book containing the Entry of such Conviction, and such Clerk shall enter in such Book the Judgment of the said Court of Quarter Sessions in reference to such Appeal, and thereupon such Judgment shall be held to be final and conclusive between the Parties to such Appeal.

Interpretation of certain Words in this Act.

X. That the Words and Expressions herein-after mentioned shall in this and the said Act, and the Schedules thereto annexed, (except where the Nature of the Provisions or the Context of the Act shall exclude such Construction,) be interpreted as follows; that is to say, the Words "Hackney Carriage" shall include every Carriage constructed with less than Four Wheels used for Passengers (except a Stage Carriage, or any Carriage known as *Hansom's* Patent Safety Cab), which shall be used for the Purpose of standing or plying for Hire in any Street or Road or any Place within the Limits of the said Act; the Word "Cabriolet" shall include every Carriage known as *Hansom's* Patent Safety Cab, and every Carriage constructed with Four Wheels used for Passengers (except a Stage Carriage, or a Carriage drawn or impelled by the Power of Steam), which shall be used for the Purpose of standing or plying for Hire in any Street or Road or other Place within the Limits of said Act.

Act of 16 & 17 Vict. c. 112. and

XI. The said recited Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty and this Act shall be construed together

this Act to be construed together.

together as One Act, and all and every the Enactments and Provisions contained shall apply and extend to this Act, and to all Licences, Convictions, Warrants, Distresses, Proceedings, and Things granted, made, taken, and done in execution of this Act, as fully, to all Intents and Purposes, as if herein repeated and re-enacted, save in so far as such Enactments and Provisions are inconsistent with or contrary to this Act, or as such Enactments may be altered by this Act, or other Enactments made in lieu thereof.

Security to be given by Officers, &c. employed under this Act.

XII. Every Officer employed under the said Commissioners who in the Execution of his Duty shall be engaged in the Receipt of Money payable in pursuance of this Act shall, in respect of any Money to be received by him under this Act, and any other Act in the Execution of which he shall be employed, give Security in such Amount as the said Commissioners, with the Approval of the said Chief or Under Secretary, shall direct, and for that Purpose it shall be lawful to and for the said Commissioners to accept of, receive, and take the usual Form of Security in such Cases entered into by any incorporated Guarantee Association for the Purpose of giving Security for the Fidelity of Persons holding Situations or Offices of Trust and Confidence.

Reputation to be sufficient Evidence of Officer's Authority.

XIII. If it shall become necessary to prove the Power, Office, Authority, or Appointment of any Officer or Person appointed or acting under or by virtue of this Act or the said Act, it shall in all Cases be sufficient, to all Intents and Purposes, to prove that such Person at the Time in question was commonly known or reputed to hold such Office or Situation respectively, and it shall not in any such Case be necessary to produce or prove any Appointment or Qualification whatsoever of such Person or Persons.

Short Title.

XIV. In citing this Act in other Acts of Parliament, or in legal Instrument or any Proceedings, it shall be sufficient to use the Expression "The *Dublin* Amended Carriage Act, 1854."

Misnomers not to affect the Execution of the Act.

XV. No Misnomer or inaccurate Description in the Schedules to this Act annexed shall prevent or in anywise affect the Operation thereof, but this Act shall apply and be enforced, as fully and effectually, to all Intents and Purposes, as if the Subject of such Misnomer or Misdescription had been correctly named and described in such Schedule, provided the same be designated to common Intent and Understanding.

Commencement of Act.

XVI. This Act shall commence and take effect from and after the First Day of *August* One thousand eight hundred and fifty-four.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

ACT AND PARTS THEREOF REPEALED.

Date of Act.	Title.	Extent of Repeal.
16 & 17 Vict. cap. 112.	An Act to consolidate and amend the Laws relating to Hackney and Stage Carriages, also Job Carriages, and Horses and Carts let for Hire, within the Police District of Dublin Metropolis	Section 5.—Relating to the Licence Duties to be paid for and in respect of Licences to be granted for Hackney Carriages, Job Carriages, Stage Carriages, Carts, and Job Horses within the Limits of the said Act, as mentioned and described in the Schedule B. to the said Act annexed. Section 7.—Whereby the Commissioners of Police of the said District are empowered, with the Consent of the Lord Lieutenant, to alter or abolish all or any of the Duties payable for and upon the respective Carriages, Carts, and Job Horses described in the said Schedule B. Section 10.—Whereby Power is given to the said Commissioners to grant Licences upon the Terms and Conditions in the said Act set forth, to keep, ply, use, or let to Hire within the Limits aforesaid any Hackney Carriage, Stage Carriage, Job Carriage, Cart, or Job Horse, or to refuse or revoke the same. Section 14.—That portion thereof which declares to be null and void any Licence of which any of the Particulars entered or endorsed thereon shall be erased or otherwise defaced. Section 59.—Ditto - ditto - ditto. Section 71.—Which relates to taking Recognizances from Witnesses conditioned that they shall personally appear at the proper General or Quarter Sessions, pursuant to the Terms of such Recognizances, and to the Authority of the said Courts to award such Witnesses Compensation for attending pursuant to such Recognizances. Section 80.—That Portion thereof relating to and explaining the Words "Hackney Carriage." Schedule B.—That Portion thereof mentioning and describing the Duties imposed by the said Act for and in respect of every Licence granted by the said Commissioners for a Hackney Carriage, Stage Carriage, Job Carriage, Cart, or Job Horse. Schedule C.—Containing Forms of Licences to be used under the said Act.

SCHEDULE (B.)

CONTAINING THE DUTIES AND FEES ON LICENCES IMPOSED BY THIS ACT.

For and in respect of every Licence for a Job Carriage used or let to Hire within the Limits of the said Act, and to be drawn by Two or more Horses, for every such Licence -	£8
For and in respect of every Licence for a Job Carriage used or let to Hire within the Limits of the said Act, and to be drawn by One Horse only, for every such Licence - -	£5
For and in respect of every Licence for a Stage Carriage used or which shall ply within the Limits of the said Act, for every such Licence - - - - - - - - - -	£8
For and in respect of every Licence for a Hackney Carriage used or let to Hire within the Limits of the said Act, for every such Licence - - - - - - - -	£2—to be payable by £1 on the First Day of January and £1 on the First Day of July in each Year.
For and in respect of every Licence granted on the Sale or Assignment, or Change of Property in any such Hackney Carriage or Cabriolet, or on the Admission of any Person to a Share in the Ownership thereof, save where such Licence shall be granted to the Widow or Children of a Proprietor dying while licensed, for every such Licence a Fee of	10*s.*
For and in respect of every Licence for a Cabriolet used or let to Hire within the Limits of the said Act, for every such Licence - - - - - - - - - - - - -	£1 4*s.*
For and in respect of every Licence for a Hackney Carriage used or let to Hire within the Limits of the said Act which shall be granted to any Person already licensed for and in respect of a Cabriolet, in addition to the Premium to be paid under the Sixth Clause of this Act - - - - -	£1
For and in respect of every Licence for a Job Horse used or let to Hire within the Limits of the said Act without a Carriage, whether such Horse shall be used or let otherwise or not, for every such Licence - - - - - - -	£2
For and in respect of every Licence for a Cart or Dray used or let to Hire within the Limits of the said Act, for every such Licence - - - - - - - - -	12*s.*

SCHE-

SCHEDULE (C.)

CONTAINING FORMS OF LICENCES UNDER THE SAID ACT AND THIS ACT.

No. 1.

By the Commissioners of Police of the Police District of Dublin Metropolis.

Licence for a

No.

IN pursuance of the Powers vested in the Commissioners of Police of the Police District of Dublin Metropolis by an Act of Parliament passed in the Session of Parliament holden in the Years of the Reign of Her present Majesty, intituled [*here insert the Short Title of the Act*], I, the undersigned, being One of the said Commissioners [*or* being the Person duly authorized by the said Commissioners for that Purpose, *as the Case may be*], do hereby grant this Licence, together with a Plate as a Mark of Distinction corresponding in Number therewith, to of in the of the said Licence to remain in force (unless revoked or otherwise determined under the Provisions of the said Act) for such Period as the said shall continue to pay the yearly Sum of being the annual Duty to be paid in respect thereof, the said Sum to be paid [*here insert Period for Payment of Duty*] in every successive Year, or in default of such Payment this Licence to be null and void and of no Effect; and this Licence shall be produced to the said Commissioners, or One of them, at all Time and Times, and from Time to Time, as the same shall be required or ordered by the said Commissioners or any One of them to be produced, and shall be subject to such Laws as are now or hereafter shall be in force for the better Regulation of and the Drivers thereof, and also all such other Rules, Orders, and Byelaws as are now in force or hereafter may be made by the Commissioners of Police for the Time being.

Given under my Hand [*or*, Signed by Authority of the Commissioners of Police, and dated, *as the Case may be*], this
Day of .

Form of Endorsement of the Delivery of any New Dublin Plate.

Date of Delivery.	Number changed.		Entered at the Office.
	From	To	

Dublin Carriage.

Memorandum of Change of Residence of Proprietor.

Date.	From	To	Entered at the Office

Memorandum of Change required in the Route of any Stage Carriage.

Date.	Particulars of Change	Entered at the Office.

No. 2.

*** This Licence, together with the Badge relating thereto, must be delivered up, if not renewed between the Day of and the Day of

Driver *or* Conductor of [*as the Case may be*].

No.

[*Here insert the Date of the Act.*]

Description.	Licence
Age Years. Height Feet Inches. Eyes Hair Complexion	to of to act as Driver of licensed Carriages [*or* Conductor of Stage Carriages, *as the Case may be*,] within the Limits of the Dublin Metropolitan Police District, wearing the Badge No. [*here insert the Manner of wearing Badge.*]

Dated Day of

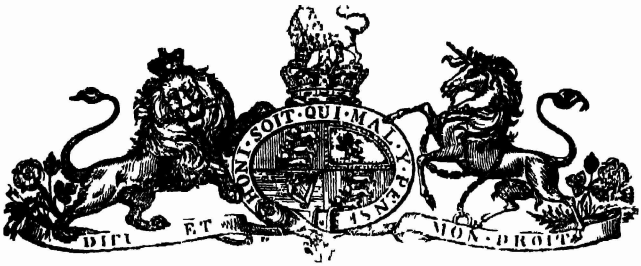
Commissioner.

[*or*, Signed by Authority of the Commissioners of Police, and dated this Day of *as the Case may be*].

Form of Endorsement of Change of Abode.

Date	From	To	Entered at the Office.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XLVI.

An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*.

[24th *July* 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in* Ireland: And whereas an Act was passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in* Ireland, *and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament* And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue to the Twenty-seventh Day of* July *One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third and Fourth Years of Her present Majesty, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed*

5 & 6 W. 4. c. 27.

3 & 4 Vict. c. 91.

5 & 6 Vict. c. 68.

in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in Ireland, *and for the better Payment of their Wages*: And whereas an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in* Ireland: And whereas an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her present Majesty's Reign, Chapter Forty-eight, whereby the said herein-before recited Acts were continued as therein mentioned: And whereas an Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her present Majesty's Reign, Chapter Thirteen, whereby the said herein-before recited Acts were further continued as therein mentioned: And whereas an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and three, whereby the said herein-before recited Acts were further continued as therein mentioned: And whereas it is expedient that the first herein-before recited Act, and the secondly and thirdly and fourthly herein-before recited Acts, should be further continued, subject to the respective Amendments thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first herein-before recited Act, except as to such Parts thereof as have been repealed by the said secondly herein-before recited Act, and subject to the Amendments thereof in the said subsequent recited Acts contained, and the said secondly and thirdly and fourthly herein-before recited Acts, subject to the respective Amendments thereof, shall be further continued and shall be and remain in force from the passing of this Act for Five Years.

7 & 8 Vict. c. 47.

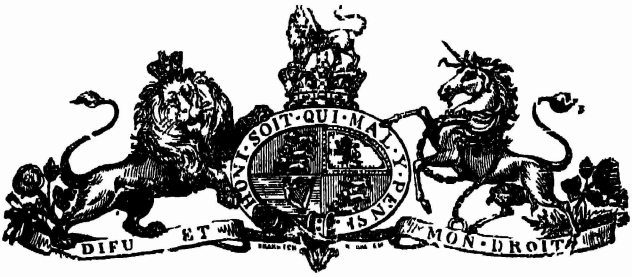
13 & 14 Vict. c. 48.

15 & 16 Vict. c. 13.

16 & 17 Vict. c. 103.

Continuation of Acts.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty's. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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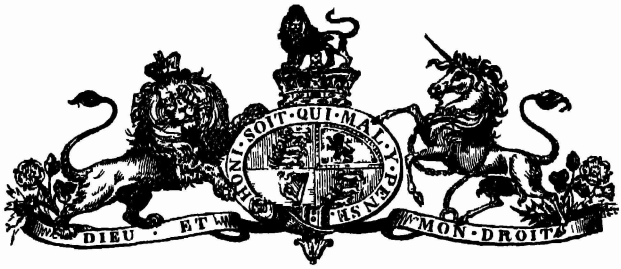

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Queenborough Common -	Kent - - -	4th April 1850.
Sutton - - -	York - - -	22d December 1853.
Chalford - -	Oxford - - -	2d February 1854.
Wanwood Pasture -	Cumberland -	22d July 1853.
Stanmore - - -	Berks - -	2d March 1854.
Buriton - - -	Southampton - -	16th March 1854.
Snettisham Warren -	Norfolk - - -	16th March 1854.
Woodmancote - -	Gloucester - -	30th March 1854.
Hatfield Forest - -	Essex - - -	6th April 1854.
Haverhill - -	Suffolk - - -	6th April 1854.
South Weston, Wheatfield, and Stoke Talmage -	Oxford - - -	23d June 1853.
Hutton - -	Somerset - - -	4th May 1854.
Drungewick - -	Sussex - - -	4th May 1854.
Benhill Wood -	Surrey - - -	8th June 1854.
Cusop - - -	Hereford - -	16th May 1854.
Elstead - - -	Surrey - - -	27th June 1854.
Gamblesby and Biglands -	Cumberland - -	26th June 1854.
Cove - - -	Southampton - -	25th May 1854.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. XLIX.

An Act for the Settlement of Claims upon and over the *New Forest*. [24th *July* 1854.]

WHEREAS under the Provisions of the Act Fourteenth and Fifteenth *Victoria*, Chapter Seventy-six, "to extinguish "the Right of the Crown to Deer in the *New Forest*, and "to give Compensation in lieu thereof, and for other Purposes relating "to the said Forest," as amended by the Ninth Section of the Act Fifteenth and Sixteenth *Victoria*, Chapter Sixty-two, and by the Act Sixteenth *Victoria*, Chapter Nineteen, certain Claims of Common and other Rights in and over the said Forest, exceeding One thousand and two hundred in Number, have been preferred and delivered to the Verderers of the said Forest: And whereas, in pursuance of the Provisions of the said Acts, certain of the said Claims have been objected to: And whereas the Validity or Invalidity of large Classes of the said Claims depends on the Settlement of certain disputed Points as to the Existence or Nature of the Rights preferred by such Claims, and it is expedient that Commissioners should be appointed for the Purpose of deciding on the Claims in manner herein-after mentioned, and to make Provision for the speedy Trial of certain of the said Claims before the whole Objections shall be delivered, to afford an Opportunity to Claimants to withdraw their Claims and prefer amended Claims in lieu thereof, and to make such other Provisions with regard to Claims and Objections, and the hearing and determining the same, as herein-after provided: Be it therefore enacted by the Queen's most

14 & 15 Vict. c. 76.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Commissioners.

I. The Judge of the County Court of *Southampton*, and Two Persons, being Barristers-at-Law, to be appointed in Writing by the Lord Chief Justice of Her Majesty's Court of Queen's Bench at *Westminster*, within Two Months from the passing of this Act, (and herein-after designated as "The Commissioners,") shall be the Commissioners for the Purposes of this Act.

Power to fill up Vacancies in case of Death, &c. of Commissioners.

II. In case of the Death, Resignation, or Removal of any of the Commissioners appointed by the Chief Justice, other Commissioners shall in like Manner be from Time to Time appointed in their Places by the Chief Justice aforesaid.

Commissioners to make Declaration before acting.

III. Every Commissioner shall, before he enters upon the Execution of his Office, make and subscribe the following Declaration before One of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer; that is to say,

'I DO solemnly declare, That I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Duties of a Commissioner under an Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Queen Victoria, intituled "An Act [*here set forth the Title of this Act*]:"'

And every such Declaration shall, when made, be deposited in the Office of Land Revenue Records and Inrolments.

Payment of Commissioners.

IV. Every Commissioner shall (out of the Fund herein-after directed to be raised) be paid for his Services such a Sum as the Commissioners of Her Majesty's Treasury shall direct.

Commissioners to hear and determine Claims.

V. The Commissioners shall hear and determine all Claims to Common and other Rights in and over the said Forest, made either in pursuance of the said Acts or this Act, in manner after mentioned; and, subject as after mentioned, their Decision in the Premises shall be final, and bind all Parties and Rights whatsoever; and all Claims not objected to shall be allowed by the said Commissioners.

Decisions of any Two of the Commissioners to be final; but if they differ a Case may be submitted to Court of

VI. All Acts and Decisions of any Two of the Commissioners shall be taken as the Acts of the Commissioners; except that in case they shall differ in Opinion on any Point of Law brought before them affecting any Claim, they shall, on the Application of the Party objecting, or of the Party claiming, prepare a Case to be submitted to Her Majesty's Court of Common Pleas, to be argued before and decided

decided on by the said Court, and the Judgment and Determination of such Court shall be taken as the Judgment of the Commissioners.

Common Pleas, for their Judgment.

VII. The Commissioners may allow or disallow any Claim, in whole or in part, and may amend any Claim in whole or in part.

Power to allow, disallow, or amend Claims.

VIII. The Commissioners may from Time to Time make such Rules and Orders as to their Mode of proceeding (not inconsistent with the Provisions of this Act) as they may think fit.

Commissioners may make Rules as to their Proceedings.

IX. The Commissioners, if they shall think fit, may direct and award that any Party claiming shall pay Costs to the Party objecting, or that the Party objecting shall pay Costs to the Party claiming.

Commissioners may award Costs.

X. Any Costs so awarded may be recovered in the County Court of *Wiltshire* held at *Salisbury* as a Debt due to the Party to whom they are directed to be paid; and the Certificate under the Hand of any One of the Commissioners shall be Evidence of the Fact of such Costs having been awarded, and such Certificate shall state the Names of the Party directed to pay Costs, and the Amount thereof, and the Party to whom the same shall be paid.

Costs may be recovered in County Court.

XI. All Rights of Common claimed and allowed shall go and be held with the Lands or Hereditaments in respect of which the same are claimed and allowed, and as appurtenant thereto.

All Rights to go, &c. with Lands in respect of which they are claimed.

XII. The Commissioners shall hold Meetings for the Purposes of this Act at such Times as they may think fit, and at such Place or Places in or in the Vicinity of the said Forest as shall appear to them most convenient, of which Meetings Notice shall be given by Advertisement in some Newspaper usually published or circulated in the County of *Southampton*, and otherwise as the Commissioners may direct, such Notice to be given at least Twenty-eight Days before the holding of any such Meeting; and any such Meeting may be continued by Adjournment, either from Day to Day, or otherwise, as the Commissioners may think fit.

Commissioners to hold Meetings for the Purposes of this Act.

XIII. At the Time of giving Notice the Commissioners shall prepare a List showing what particular Claims and Objections are to be heard, which List shall also, in like Manner, be advertised Twenty-eight Days at least before the holding of any such Meeting.

Commissioners to publish List of Claims and Objections to be heard.

XIV. The Commissioners shall, by the Examination of Witnesses, the Inspection of Maps, Records, and Documents, and by such other Means as they in their sole Discretion shall think fit, decide the several Questions arising on the said Claims, such Decisions to be reduced

Commissioners to decide on Questions arising on Claims.

reduced into Writing, and signed by the Commissioners or any Two of them.

Appointment of Clerk, with such Remuneration as Treasury may direct.

XV. The Clerk for the Time being of the Verderers shall be the Clerk of the Commissioners, and shall have such Remuneration as the Commissioners of Her Majesty's Treasury shall direct; and all the Expenses of the Commissioners relating to the carrying this Act into effect which shall be allowed by the Commissioners of the Treasury shall be paid as after mentioned.

Claims, &c. already made to be delivered to the Commissioners.

XVI. All Claims and Objections made previous to the passing of this Act, together with the Entry Book or Register thereof, shall be delivered by the Verderers to the Commissioners.

As to future Claims and Objections.

XVII. All Claims and Objections made after the passing of this Act shall be made in such Form and delivered to such Persons as the Commissioners may direct.

Register of Claims and Objections to be kept, and open to Inspection, &c.

XVIII. A Register of all Claims and Objections shall be kept, and Memorandums of Objections entered on Claims, and the Particulars or an Abstract of Claims not already published shall be published in the *London Gazette*, and Certificates furnished, and Inspection of such Entry Books or Registers allowed by the said Clerk, in all respects as by the said first-recited Act is provided with respect to the Matters and Things in the Premises to be done by the Verderers and their Clerk.

Claims may be withdrawn, and new Claims substituted.

XIX. Any of the said Claims so made as aforesaid may, with the Assent of the Commissioners, be withdrawn (either before or after the same shall have been objected to), and any new Claim may be made in lieu thereof as after provided.

Time for Allowance of New Claims.

XX. The Commissioners may, in their Discretion, allow any new Claims to be made, provided the same be made within Six Months from the passing of this Act.

Time for making Objections to Claims extended.

XXI. The Time for making Objections to Claims already made is hereby extended to One Year from the passing of this Act, and such Objections as aforesaid shall be made and served in such Manner as by the said Acts is provided; and in case of new Claims allowed to be preferred by the Commissioners, Objections may be made within Six Months from the Publication of such Claims in the Gazette.

Claims or Objections authorized by the recited Acts may be made under this Act, and in case of

XXII. All Persons by the said Acts authorized to make Claims or Objections may make Claims and Objections under this Act; and in case of Death or any Incapacity after any such Claims or Objections made, the same may be proceeded with by any Parties claiming

claiming to be interested in the Premises, or otherwise, as the Commissioners may direct.

Death may be proceeded with by any Party interested.

XXIII. The Commissioners shall, when and as they shall hear and determine on any of the said Claims, amend or alter the same in accordance with their Decision, and enter on such Register of Claims their Decision thereon.

Decision of Commissioners to be entered on Register of Claims.

XXIV. When all the said Claims shall have been decided on and determined, then a Register thereof, as amended or altered by the Commissioners, shall be signed and sealed by them in duplicate, and one Part thereof shall within One Month after their Signatures have been affixed thereto be deposited in the Office of Land Revenue Records and Inrolments, and the other with the Clerk of the Peace for the County of *Southampton*; and such Register of the said Claims so amended or altered shall be final and binding on all Parties, and shall for all Purposes be the Evidence of Title to the Rights claimed and allowed.

Register of Claims, as amended, to be signed and sealed by the Commissioners in duplicate, and to be deposited.

XXV. It shall not be necessary, except as last aforesaid, to deposit a Book containing the Claims made or to be made, either in the Office of Land Revenue Records and Inrolments, or with the said Clerk of the Peace, as by the said first-mentioned Act is provided.

Deposit of Book of Claims dispensed with.

XXVI. It shall be lawful for any Person to demand from the Keeper of the Land Revenue Records and Inrolments, or from the Clerk of the Peace, a certified Copy or Extract from the said Register so to be made and signed by the Commissioners, on Payment of a Sum not exceeding Twopence *per* Folio of Seventy-two Words; and before the said Register shall be completed it shall be lawful for any Person to demand from the Clerk of the Commissioners a certified Copy of any of the said Claims, and the Decisions thereon of the Commissioners; and any Person may inspect the Register so deposited as aforesaid, on Payment of One Shilling.

Copies or Extracts from the Register to be furnished when required.

XXVII. Any such Certificate or certified Copy shall be admitted in Evidence in all Courts of Justice; and any Person forging any Copy of any Claim or Objection or Certificate aforesaid, or who shall utter any such Copy or Certificate knowing the same to be forged, shall be deemed to be guilty of a Misdemeanor, and liable to be imprisoned, at the Discretion of the Court, for any Term not exceeding Three Years, with or without Hard Labour.

Certified Copies to be Evidence, and Parties forging same guilty of a Misdemeanor.

XXVIII. All Claims made or which shall be made under the Provisions of the said Acts or this Act of Rights of Common of Pasture, Pannage, or Turbary, which shall be proved to the Satisfaction

Claims enjoyed since the Year 1800 to be

allowed under certain Circumstances.

tion of the Commissioners to have been enjoyed or exercised as of Right, without Interruption, by the Claimant or Persons through or under whom he claims, as from any Time in the Year One thousand eight hundred, shall be allowed by the Commissioners; but such Rights shall be held and enjoyed according to the Laws and Assize of the said Forest, and such Rights of Common of Pasture shall be enjoyed and allowed only in respect of the Cattle of the Claimant levant and couchant on the Lands in respect of which the Claim is made; and no Claim of Common of Turbary shall be allowed other than in respect of a Messuage erected in or prior to the Year One thousand eight hundred; and such Turbary shall be allowed only for the necessary Fuel of such Messuage, to be therein burnt and expended as belonging and appertaining to such Messuage.

Waste Lands of the Forest to be sold to defray the Expenses incidental to the Act.

XXIX. For the Purpose of defraying the Expenses after mentioned, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall, on behalf of Her Majesty, in addition to the Sales already made or agreed to be made, from Time to Time sell and dispose of by Public Auction or Tender such Parts of the open Waste Lands of the said Forest as they and any Two Verderers may deem most convenient; and the Receipt of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being shall be a sufficient Discharge for the Purchase Money to all Persons purchasing, and who shall not be bound to see to the Application of the Purchase Money, nor to inquire whether the Sale was made with the Assent of the Verderers as aforesaid.

Produce of Sales to be paid to the Commissioners of Woods, and applied by them in Payment of Expenses

XXX. The Money to be raised by Sale as aforesaid shall be paid to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and shall be applied by them in discharge of the Remuneration to be made to the Commissioners and to their Clerk, and in Payment of all Costs, Charges, and Expenses which shall become payable or be incurred by or on the Behalf of the Commissioners or their Clerk, under or in performance of the Provisions of this Act, and also all the Payments, Costs, Charges, and Expenses which have already become payable or been incurred or may be incurred under or in the Performance of the Provisions of the said Acts, and the Surplus, if any, of the Monies to arise from any Sale as aforesaid, shall be applied as the Monies arising from the Sale of the open Waste Lands of the Forest are by the Act of the Tenth *George* the Fourth, Chapter Fifty, directed to be applied.

Power to send for Persons and Papers.

XXXI. It shall be lawful for the Commissioners, by a Summons under the Hands of any One of them, to require the Attendance before them, at a Place and Time to be mentioned in the Summons, of any

any Person whomsoever, and to require all Persons to bring before them such Books, Papers, and Writings as are necessary for arriving at the Truth of the Matters to be inquired into by the Commissioners, which Persons shall attend the Commissioners, and shall answer all Questions put to them touching the Matters to be inquired into, and shall produce all Books, Papers, and Writings required of them, and in their Custody or under their Control, according to the Tenor of the Summons.

Commissioners to examine on Oath, &c.

XXXII. It shall be lawful for the Commissioners or any One of them to administer an Oath, or an Affirmation where an Affirmation would be admitted in a Court of Justice on the Ground of Religious Scruples, to all Persons who are examined before them, touching the Things to be inquired into by them under this Act.

Penalty for Non-attendance or refusing to give Evidence.

XXXIII. If any Person on whom any Summons shall have been served by the Delivery thereof to him, or by the leaving thereof at his usual Place of Abode, fail to appear before the Commissioners at the Time and Place specified in such Summons, it shall be lawful for the Commissioners to certify such Default under their Hands or under the Hand of any One of them to any of Her Majesty's Superior Courts, and thereupon such Court or Judge shall proceed against the Person so failing to attend in the same Manner as if the said Person had failed to obey any Writ of Subpœna or any Process issuing out of the said Court; and if any Person so summoned to attend as aforesaid, and having appeared before the Commissioners, shall refuse to be sworn, or to make Answers to such Questions as are put to him touching the Matters in question by the Commissioners, or to produce and show to the Commissioners any Papers, Books, or Writings being in his Possession or under his Control which the Commissioners may deem necessary to be produced, or if any Person shall be guilty of any Contempt of the Commissioners or their Office, the Commissioners shall have such and the same Powers, to be exercised in the same Way, as any Judge of any of Her Majesty's Superior Courts sitting under any Commission may now by Law exercise in that Behalf; and all Headboroughs, Gaolers, Constables, and Bailiffs shall and they are required to give their Aid and Assistance to the Commissioners in the Execution of their Office.

Penalty for false swearing.

XXXIV. Every Person who upon Examination upon Oath or Affirmation before the Commissioners wilfully gives false Evidence shall be liable to the Pains and Penalties of Perjury.

Protection of Commissioners.

XXXV. The Commissioners shall have such and the like Protection and Privileges, in case of any Action brought against them for any Act done or omitted to be done in the Execution of their Duty, as

is

is now by Law given by any Act or Acts now or hereafter to be in force to Justices acting in execution of their Office.

Limitation of Actions.

XXXVI. No Action shall be brought against any Commissioners appointed under this Act, or any other Person whomsoever, for anything done or omitted to be done in the Execution of this Act, unless such Action shall be brought within Six Calendar Months next after the doing of or Omission to do such Thing.

Limitation of Proceedings on Claims, &c.

XXXVII. After the passing of this Act, no further Proceedings shall be taken for the making Claims or objecting thereto, and the deciding thereon, except under or by virtue of the Provisions herein contained.

Woodmen's Cottages may remain after the Inclosures have been thrown out, but the total Quantity of inclosed Land not to be thereby increased.

XXXVIII. And whereas in the Inclosures made or to be made in the said Forest under the Authority of the Act Forty-eighth of *George* the Third, Chapter Seventy-two, and of the Act Fourteenth and Fifteenth of *Victoria*, Chapter Seventy-six, small Portions of Land have been and may be appropriated by the Crown for Cottages and Buildings for Woodmen, with Gardens attached thereto, and it may not be expedient that such small Portions of Land should in all Cases be liable to be thrown open with the rest of the Inclosures in which they are situate: Be it enacted, That, notwithstanding anything in the said Acts or either of them contained, Cottages or Buildings erected or to be erected for Woodmen in any Inclosure within the said Forest, and the Sites thereof, with a Garden and Orchard attached to each of such Cottages, not exceeding in each Case Two Acres in Extent, may, if and so long as the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall think fit, remain, and be held in Severalty in the actual Possession of the Crown, freed and discharged from all Rights of Common and other Rights, Titles, or Claims whatsoever: Provided always, that the total Quantity of Land within the said Forest which Her Majesty, Her Heirs and Successors, are by the said Acts or either of them authorized to hold and keep inclosed and in Severalty shall not be thereby increased, and that the Cottage and Garden shall be situated within a Quarter of a Mile of some Inclosure.

Acts to be done by Commissioners of Woods may be done by Commissioner in charge of the Forest.

XXXIX. All Acts, Matters, and Things to be done or authorized to be done by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, in pursuance of this Act or of the said recited Acts or any of them, may be done by the Commissioner or other Officer for the Time being of Her Majesty in charge of the said Forest.

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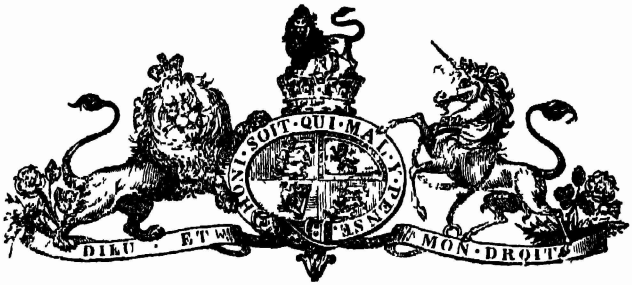

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. L.

An Act to continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in *Ireland*, and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.

[24*th July* 1854.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to Savings Banks in* Ireland: And whereas the said Act was continued in force by another Act passed in the Fifteenth and Sixteenth Years of the Reign of Her Majesty until the First Day of *January* One thousand eight hundred and fifty-four, and until the End of the then next ensuing Session of Parliament: And whereas it is expedient that the said first-recited Act should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 11 & 12 Vict. c. 133.

I. That the said Act shall be further continued until the First Day of *January* One thousand eight hundred and fifty-eight, and until the End of the then next ensuing Session of Parliament. Act further continued.

Savings Banks.

Funds of Friendly Societies may be deposited in Savings Banks to any Amount.

II. It shall be lawful for the Trustees of Savings Banks duly established according to Law to receive from the Trustees or other proper Officers of Friendly Societies, duly enrolled, registered, or certified in the Manner required by the Acts in force relating to Friendly Societies, any Sum of Money the Property of such Societies, without Restriction as to Amount, under such Regulations as shall be prescribed by the Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them.

If Savings Banks Rules are already enrolled they need not be again enrolled.

III. Provided always, That nothing contained in this Act respecting Savings Banks shall render it necessary to have the Rules and Regulations of Savings Banks again enrolled, if the same have been before enrolled according to Law.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls. [31st *July* 1854.]

WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, "to facilitate Arrangements for the "Relief of Turnpike Trusts, and to make certain Pro- "visions respecting Exemptions from Tolls," certain Provisional Orders have been made by the Right Honourable Viscount *Palmerston*, One of Her Majesty's Principal Secretaries of State, for reducing the Rate of Interest, and for extinguishing the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the *London Gazette*, and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, 14 & 15 Vict. c. 38.

reduced, and the Day up to which the Interest and Arrears of Interest on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act: And whereas it is expedient that the said Provisional Orders should be confirmed, and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisional Orders are hereby confirmed, and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

Provisional Orders confirmed.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt. £ s. d.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates
1853. 14 Oct.	3 & 4 Vict. c. 84., "An Act for repairing the "Road from the Maidstone Turnpike Gate "on the Loose Road in the Parish of Maid-"stone in the County of Kent, to Newcastle "in the Parish of Biddenden, and a Branch "Road to the Thorn in the Parish of Smarden "in the same County" - - -	10,570 0 0	4*l.* per Cent.	31st Dec. 1850.
1854. 7 Jan.	5 W. 4. c. 19., "An Act for repairing the Road "from Little Bowden in the County of North-"ampton to Rockingham in the same County"	2,728 0 0	3*l.* per Cent.	1st Jan. 1853.
7 Jan.	7 G. 4. c. 19., "An Act for making and main-"taining a Turnpike Road, commencing at "or near a certain House called The Shrews-"bury Arms, situate at Hinderton in the "Township of Little Neston, by way of "Upton, and terminating in the Township "of Hoose, and from Upton aforesaid to the "Township of Birkenhead, and also certain "Branches of Road to communicate there-"with, all in the County Palatine of Chester"	3,400 0 0	3*l.* 10*s.* per Cent.	31st Dec. 1853.
7 Feb.	7 G. 4. c. 13., "An Act for making and main-"taining a Road from Godalming, through "Hascomb, to Pains Hill, in the County of "Surrey" - - - - - -	2,380 0 0	One Penny per Cent.	31st Dec. 1853.
7 Feb.	5 G. 4. c. 54., "An Act for repairing and im-"proving the Road from Back Lane in the "Parish of Scartho, to Hollowgate Head in "the Parish of Louth in the County of "Lincoln" - - - - - -	4,712 1 0	2*l.* per Cent.	1st Jan. 1854.
3 April	11 G. 4. c. 18., "An Act for more effectually "repairing and maintaining the Road from New "Chappel in the County of Surrey to Ditche-"ling Bost Hills in the County of Sussex, and "from thence to the Town of Brighthelmston "in the same County; and also for making "and maintaining a Branch of Road from the "Town of Ditcheling to Clayton in the County "of Sussex," as far as the same relates to the Ditcheling and Clayton Branch Road -	1,900 0 0	1*l.* 10*s.* per Cent.	31st Dec. 1852.
29 April	57 G. 3. c. 45., "An Act for making and keeping "in repair a Carriage Road from or near the "Town of Brough-under-Stainmore in the "County of Westmoreland, to Middleton Bridge "in the Parish of Romaldkirk in the North "Riding of the County of York, with a Branch "from or near Chapel House to Eggleston "Bridge in the same Parish" - -	1,620 0 0	One Penny per cent.	31st Dec. 1853.

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT	Amount of Principal Debt	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
		£ s. d.		
1854. 24 May	4 G. 4. c. 15., "An Act for repairing and improving the Roads from the Town of Stockbridge to the City of Winchester, and from the said City of Winchester to the top of Stephen's Castle Down, near the Town of Bishops Waltham in the County of Southampton, and from the said City of Winchester through Otterborne to Bar Gate in the Town and County of the Town of Southampton, and certain Roads adjoining thereto," as far as the same relates to the Road described as "the Winchester and Waltham Road" -	1,500 0 0	One Penny per cent.	31st Dec. 1853.
19 June	5 G. 4. c. 91., "An Act for making and maintaining a Road from Brighthelmstone to Newhaven in the County of Sussex" -	10,650 0 0	2*l.* per cent.	31st Dec. 1852.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LII.

An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads. [31st *July* 1854.]

WHEREAS an Act was passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize for One Year, and until the End of the then next Session of Parliament, an Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases*, which Act has been continued by sundry Acts until the First Day of *October* in the Year One thousand eight hundred and fifty-four, and to the End of the then next Session of Parliament; and it is expedient that the same be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be continued until the First Day of *October* One thousand eight hundred and sixty, and to the End of the then next Session of Parliament.

4 & 5 Vict c. 59

Recited Act further continued.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. LIII.

An Act to confirm Provisional Orders of the General Board of Health for the Districts of *Plymouth*, *Haworth*, *Aberdare*, *Bishop Auckland*, *Willenhall*, and *Over Darwen*.

[31st *July* 1854.]

WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders in the Schedule to this Act contained; and it is expedient that the said Orders should be confirmed, and further Provisions made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Certain Provisional Orders of the General Board of Health confirmed.

I. The Provisional Orders of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the passing of this Act, so far as the same are authorized by the said Public Health Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Compensation to Officers under Local Act of Borough of Plymouth who may be removed.

II. Every Officer acting under the Local Act recited in the Provisional Order for the Borough of *Plymouth*, in the Schedule of this Act contained, any Part of which is repealed by the said Order, whose Office shall, by reason of the Transfer of the Powers of the Commissioners to the Local Board, be wholly or in part superseded and rendered unnecessary, who shall not be employed and retained in an Office of equal Value by the Local Board of Health for the said Borough, shall be entitled to have an adequate Compensation for the Profits, Salary, and Emoluments of the Office which he shall cease to hold, the said Compensation to be by way of Annuity or otherwise, and to be assessed by the Commissioners of Her Majesty's Treasury upon the Report of the said Local Board of Health, to be made within Three Months after any such Person shall have been superseded in his Office, founded upon a Declaration made by such Person, setting forth the Salary, Profits, and Emoluments derived by him and his Predecessors for every Year during a Period of Five Years next before the Day when he shall have ceased to hold such Office, and such other Evidence as the said Local Board of Health may require as to the Amount, Nature, and Particulars of such Profits; and in assessing the same regard shall be had to the Manner of his Appointment to such Office, and his Term therein; and the said Local Board of Health shall from Time to Time pay to the Person entitled to Compensation, out of any Special or General District Rates, in their Discretion, the Money which shall upon such Report, and any Appeal or Reclamation against the same, be finally awarded by the Commissioners of Her Majesty's Treasury as the same shall become due and be payable.

Constitution of Local Board for Haworth.

III. Nine of the Members of the Local Board of Health for the District of *Haworth*, the Boundaries of which are set forth in the Schedule to the *Haworth* Provisional Order appended to this Act, shall be elected by the Owners of and Ratepayers in respect of Property in that Portion of the said District included in the Hamlet of *Haworth*, and the remaining Three by the Owners of and Ratepayers in respect of Property in that Portion of the said District included in the Hamlet of *Near Oxenhope;* and Three of the Members so elected for that Portion of the said District included in the Hamlet of *Haworth*, and One of the Members so elected or that Portion of the said District included in the Hamlet of *Near Oxenhope*, shall go out of Office on the Thirty-first Day of *March* in each Year subsequent to that of the First Election of the said Local Board.

First Election of Local Board of Haworth.

IV. The First Election of the Local Board of Health for the District of *Haworth*, for the Purposes of the said Public Health Act,

Act, shall take place on the Twenty-fourth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-four.

V. The First Election of the Local Board of Health for the District of *Aberdare*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fourth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-four. First Election of Local Board of Aberdare.

VI. The First Election of the Local Board of Health for the District of *Bishop Auckland*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fourth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-four. First Election of Local Board of Bishop Auckland.

VII. The First Election of the Local Board of Health for the District of *Willenhall*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fourth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-four. First Election of Local Board of Willenhall.

VIII. The First Election of the Local Board of Health for the District of *Over Darwen*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fourth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-four. First Election of Local Board of Over Darwen.

IX. For the Purpose of securing an Outfall for the Sewerage of the District of *Over Darwen*, as constituted by the Provisional Order in the Schedule to this Act annexed, the Local Board for the said District shall have Power to cause their Sewers to communicate with and empty in such Part of the Township of *Lower Darwen* as shall to them appear suitable for that Purpose, making Compensation, in the Manner pointed out by the Public Health Act, 1848, for any Damage caused thereby For securing an Outfall for the Sewerage of Over Darwen.

X. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act. Act incorporated with Public Health Act.

XI. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures, "The Public Health Supplemental Act, 1854." Short Title.

SCHE-

SCHEDULE to which this Act refers.

NAMES of PLACES to which the following Provisional Orders of the General Board of Health apply.

PLYMOUTH.	BISHOP AUCKLAND.
HAWORTH.	WILLENHALL.
ABERDARE.	OVER DARWEN.

PLYMOUTH.

Provisional Order for the Application of the Public Health Act to the Borough of Plymouth, in the County of Devon.

GENERAL BOARD OF HEALTH.

WHEREAS it having been ascertained from the last Return, for the time being, made up by the Registrar-General of Births, Deaths, and Marriages, that the annual number of deaths in the Municipal Borough of Plymouth, in the County of Devon, has on an average of seven years exceeded during that period the proportion of twenty-three to a thousand of the population, due inquiry and report have been made under the Public Health Act, 1848, in that Borough.

And whereas from such Report it appears that notwithstanding there is a Local Act in force in the said Borough, intituled "An Act for better paving, "lighting, cleansing, watching, and improving the Town and Borough of Ply-"mouth, in the County of Devon; and for regulating the Police thereof; "and for removing and preventing Nuisances and Annoyances therein," the mortality of Plymouth is excessive, and that the real cause of this excessive mortality is to be found in the generally defective nature of the existing sanitary arrangements, and the divided jurisdiction exercised by the various public bodies; that this divided jurisdiction further causes unnecessary expense, and effectually prevents the carrying out of general and comprehensive measures; that the existing water supply requires improvement and extension; that the present sewerage and drainage is much too limited in extent; and that where sewers or house-drains are laid down, they are, in many cases, defective both in construction and arrangement; that the partial provisions made for either sewerage or house-drains have been carried out at various periods and in various ways, instead of on a combined and carefully arranged system, by which alone due efficiency can be secured, and that the present outfalls for the sewage are also highly prejudicial to health; that the present system of cleansing the streets and removing the house refuse is imperfect; that the existing burial-grounds are unduly crowded and ought to be closed, sufficient means of interment existing within a convenient distance; that many portions of the town are insufficiently lighted, particularly a great number of the courts and lanes occupied by the poorer classes; that it would be a means of health and comfort to all, but particularly the poorer classes of the Borough, if public baths and wash-houses were established.

And

General Board of Health.

And whereas the Public Health Act, 1848, contains provisions for consolidating local authority in corporate districts in the hands of the Town Council; for improving and extending water supply, and compelling such supply in houses where the expense does not exceed 2*d.* a week; for providing a general Survey on which sewerage and other works may be laid down on a comprehensive and economical plan; for providing an outfall for sewerage and carrying sewers where necessary through private property; for compelling the provision of house-drains and water-closets; the cleansing of unwholesome houses and streets; for regulating the breadth and levels of new streets; for closing burial grounds where sufficient means of interment exist within a convenient distance; for distributing the charge for permanent works over the period for which the works are likely to last, and for rating to the cost of such works those who are benefited thereby; for intrusting to the Local Board of Health the care and management of the roads; for lighting and other matters essential to the sanitary regulation of the district; and for providing for the repeal, alteration extension, or further execution of Local Acts.

Now therefore, in pursuance of the power vested in us by the Public Health Act, 1848, we the said General Board of Health do, by this Provisional Order, under our hands and seal of office, direct:—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—"The Public Health Act, 1848," and every part thereof relating to corporate districts, except the section numbered 50 in the copies of that Act printed by Her Majesty's printers, shall apply to the area comprised within the boundaries of the said Borough of Plymouth.

2.—The sections of the Towns' Police Clauses Act, 1847, with respect to obstructions and nuisances in the streets, and with respect to fires, and with respect to places of public resort; and the sections of the Towns Improvement Clauses Act, 1847, with respect to naming the streets and numbering the houses, and with respect to improving the line of the streets and removing obstructions, and with respect to ruinous or dangerous buildings, and with respect to precautions during the construction and repair of sewers, streets, and houses; and the sections with respect to the prevention of nuisances numbered 104 and 105; and the section with respect to the prevention of smoke; and the sections with respect to the construction of houses for prevention of fire; and the sections with respect to supplying buildings with fresh air, numbered 110, 111, and 112; and the section with respect to clocks; and so much of the sections with respect to things to be done by the Commissioners by special order only, as relates to baths and wash-houses, except so much of the said last-mentioned sections as requires any special order in respect of the matters contained therein, shall be incorporated with the unrepealed parts of the said Local Act, and with the said Public Health Act as applied to the said Borough, and any Act of Parliament confirming the same; and the expression "the Special Act," used in the said sections, shall be construed to mean the unrepealed parts of the said Local Act, and the said Public Health Act so applied; and the expression "Limits of the Special Act," used in the same sections, shall be construed to mean the District constituted by this Order, and any Act of Parliament confirming the same; and the expression "the Commissioners," used in the said sections, shall mean the said Local Board.

 3.—The

3.—The Mayor, Aldermen, and Burgesses of the said Borough shall be by the Council of the said Borough the Local Board of Health under the said Public Health Act.

4.—Such parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as relates to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.

5.—The powers, authorities, and duties of the Commissioners for the time being, acting in execution of the said Local Act, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to or inconsistent with the said Public Health Act, or this Order, or any byelaw which shall be lawfully made under the said Public Health Act, be transferred to the said Local Board of Health, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Public Health Act; and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said Borough, and all places within the limits of the said Borough shall be subject to the unrepealed parts of the said Local Act.

6.—The said Local Board shall be the Commissioners for executing the unrepealed parts of the said Local Act.

7.—All property and estate of the Commissioners acting in the execution of the said Local Act shall be transferred to the said Local Board of Health, and shall, as near as circumstances will permit, be held by the said Local Board of Health upon the same trusts, and for the same purposes, as by such Commissioners

8.—All debts, monies, and securities for money contracted or payable by such Commissioners shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied by the said Local Board as by such Commissioners.

9.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Public Health Act, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

10.—Provided also, that if such property and estate be more than sufficient, the surplus shall be applied to the exclusive use of the same parts and to the same purposes as it would have been if this Order had not been made.

11.—All expenses which shall be incurred by the said Local Board of Health under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Act, shall be deemed to be expenses incurred by such Board under the said Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act; and the provisions of the Public Health Act shall extend and apply to all purchases of property made under the powers of such Local Act.

12.—Pro-

General Board of Health.

12.—Provided always, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall not prejudicially affect anything done under that Act before the passing of any Act of Parliament confirming this Order; but, notwithstanding this Order and the Schedule hereunto annexed, all such things shall be as valid, with reference to the said Local Board of Health, as if the same had been done with reference to that Board, and may be dealt with in the same manner, in all respects, as if they related to that Board instead of such Commissioners.

13.—Provided also, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule hereunto annexed, shall be without prejudice to any penalties incurred under the said Local Act, but all such penalties may be recovered by the said Local Board of Health according to the provisions of this Order.

Given under our Hands and under the Seal of the General Board of Health, this Third day of November, in the year of our Lord One thousand eight hundred and fifty-three.

(Signed) SHAFTESBURY.
EDWIN CHADWICK.
T. SOUTHWOOD SMITH.

Schedule to which this Order refers.

The parts of the said Local Act referred to in this Order to be repealed are as follows (that is to say):

The sections numbered respectively in the copies of the said Act, printed by the King's printers, 2 to 25, 28 to 36, 45 to 54, 56 to 62, 64 to 73, 81 to 83, 87 to 145, all inclusive.

And so much of any unrepealed part of the said Act, or of any Act by this Order incorporated therewith, or with the Public Health Act, 1848, as fixes the amount of any penalty for any offence under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health, made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

HAWORTH.

Provisional Order for altering the Boundaries of the District of Haworth in the West Riding of the County of York, as constituted for the purposes of the Public Health Act, 1848.

GENERAL BOARD OF HEALTH.

WHEREAS, by Order of Her Most Gracious Majesty in Council, bearing date the 23d day of October 1851, made under the provisions of the Public Health Act, 1848, the said Public Health Act was duly applied to the District of Haworth, in the West Riding of the County of York.

And whereas it appears to the General Board of Health appointed for the purposes of the said Act, that the boundaries of the said District, as determined by the said Order, should be altered and amended in the manner prescribed by the said Act

And

General Board of Health.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed William Ranger, a Superintending Inspector appointed for the purposes of that Act, to visit the said District, and to make further public inquiry, and to examine witnesses as to the altered boundaries which might most advantageously be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the Time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the boundaries of the said District should be altered, as recommended by the said Superintending Inspector, but the same cannot be done without the Authority of Parliament.

Now therefore, in pursuance of the power vested in the General Board of Health by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under our hands and seal of office, order and direct as follows; that is to say:—

That from and after the passing of any Act of Parliament confirming this present Order—

1.—The boundary of the said District for the purposes of the said Public Health Act shall be the boundary described in the Schedule to this Order annexed.

2.—That from and after the day appointed by the Act of Parliament confirming this present Order for the first election of the Local Board of Health for the District hereby constituted, the Public Health Act, 1848, and every part thereof, except the Section numbered 50 in the copies of that Act, printed by Her Majesty's Printers, shall apply to and be in force within and throughout the entire area comprised within the boundary aforesaid; and that the parts within the said boundary shall be and constitute a district for the purposes of the said Public Health Act accordingly, under the name of the "Haworth District."

3.—That from and after the day fixed for the first election of a Local Board of Health for the District hereby constituted by any Act of Parliament confirming this Order, the existing Local Board of Health for the District of Haworth, as constituted by the firstly herein-before mentioned Order in Council, shall be dissolved, and the powers, authorities, and duties of the members of the said Board shall wholly cease and determine; and those of their treasurer, clerk, surveyor, inspector of nuisances, collector, or other officers, shall cease and determine from any time appointed by the Local Board to be elected under this Order and the Act of Parliament confirming the same.

4.—That the Local Board of Health for the said District to be constituted by this Order and the Act of Parliament confirming the same shall consist of

of twelve persons, to be elected in the manner directed with respect to such Local Board by the Act of Parliament confirming this Order.

5.—That every one of the twelve persons so to be elected as last aforesaid shall at the time of such election, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act is required, and be seised or possessed of real or personal estate, or both, to the value or amount of not less than four hundred pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place, of which some part is within the said District, upon an annual value of not less than ten pounds.

6.—That at the first election of the members of the said Local Board William Greenwood, Esq of Oxenhope, shall have the powers and perform the duties vested in or imposed upon the chairman of the Local Board of Health by the said Public Health Act, in relation to the election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said William Greenwood, Esq. from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then William Turner, West Lane, Haworth, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

7.—That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election, shall be given to the said William Greenwood at his residence, Oxenhope, or in case he shall refuse or be unable to receive the same, then to the said William Turner at his residence, West Lane, Haworth.

8.—That from and after the day fixed for the first election of a Local Board for the District thereby constituted by the Act of Parliament confirming this Order, all lands, buildings, works, rates, tolls, duties, and hereditaments, utensils, materials, books, plans, maps, deeds, effects, contracts, papers, monies and securities for money, and all other property and estate whatsoever, belonging to or vested in the Local Board of Health elected under the firstly herein-before mentioned Order in Council shall be transferred to, vested in, belong to, and be recovered by the Local Board of Health to be elected under this Order and the Act of Parliament confirming the same, as fully as the same would or could have belonged to, been vested in, or recovered by the firstly herein-before mentioned Local Board of Health, and shall, as near as circumstances will permit, be held by the Local Board of Health to be elected under this Order and the Act of Parliament confirming the same, upon the same trusts, and for the same uses, intents, and purposes as the same were or would be held by the said firstly herein-before mentioned Local Board.

9.—That from and after the passing of any Act of Parliament confirming this Order, all bonds, mortgages, annuities, contracts, debts, monies and securities for money, made, given, contracted or payable by the Local Board of Health elected under the firstly herein-before mentioned Order in Council shall be paid and satisfied by the Local Board to be elected

 under

under this Order and the Act of Parliament confirming the same, out of such parts of the said transferred property and estate as would or ought to have been charged or chargeable in respect of the same, if this Order had not been made; and shall, as near as circumstances will permit, have the same priority, and be paid and satisfied within the same times, and recovered from the said last-mentioned Local Board as the same might have been recovered from the firstly herein-before mentioned Local Board.

10.—Provided always, That this Order shall not annul, defeat, lessen, or otherwise prejudicially affect any rate, assessment, imposition, composition, charge, purchase, sale, conveyance, grant, demise, lease, mortgage, annuity, assignment, bond, contract, covenant, agreement, security, matter, or thing whatsoever before the passing of any Act of Parliament confirming this Order, made, entered into, or done under or by virtue or in pursuance of the firstly herein-before mentioned Order in Council, or with reference to the purposes of the same; but, notwithstanding this Order, all such acts, deeds, matters, and things shall be as good, valid, and effectual, to all intents and purposes whatsoever, for, against, and with reference to the Local Board of Health to be elected under this Order and the Act of Parliament confirming the same, as if the same had been made, entered into, or done by, to, or with reference to that Board instead of the Members of the Local Board elected under the firstly herein-before mentioned Order in Council, and may be proceeded on and enforced in the same manner in all respects as if the Local Board to be elected under this Order and the Act of Parliament confirming the same, instead of the Local Board elected under the firstly herein-before mentioned Order in Council, had been party or privy to the same, and had been named or referred to therein.

Given under our Hands and under the Seal of the General Board of Health, this First day of February in the year our Lord One thousand eight hundred and fifty-four.

(Signed) SHAFTESBURY.
(L.S.) EDWIN CHADWICK.
T. SOUTHWOOD SMITH.

Schedule to which this Order refers.

THE proposed district is bounded by the following parcels of pieces of grounds, lands, tenements, and hereditaments, numbered in the Plan accompanying the Report on Haworth by W. Ranger, Esq., herein-before referred to by the numbers following their respective names:—

	No
On the east—	
By the Parish of Bingley.	
On the south-east—	
By the Hamlets of Far and Near Oxenhope to Marsh Bottom.	
By the turnpike road, called Marsh Road, to Marsh Top, in Near Oxenhope	
By Limed Hey	111
Delf-close	108
Cross-close	127
Close near House	126

By

By Field Head-lane, with the following fields on the other side, viz.—

Plantation	131
Far Copy field	133
Near Copy-field	134
Oxenhope-waste	136

The ancient Boundary line dividing Near Oxenhope from Haworth hamlet.

On the south-west—

By the parish of Halifax.

On the north-west—

By the hamlet of Stanbury.

On the north and north-east

By the Parish of Keighley.

ABERDARE.

Provisional Order for the Application of the Public Health Act, 1848, *to the Parish of Aberdare, in the County of Glamorgan.*

General Board of Health.

Whereas, it having been ascertained from the last return for the time being, made up by the Registrar-General of Births, Deaths, and Marriages, that the annual number of deaths within the boundaries of the Parish of Aberdare, in the County of Glamorgan, has on the average of seven years exceeded the proportion of twenty-three to a thousand of the population of such Parish, the General Board of Health directed Thomas Webster Rammell, one of their Superintending Inspectors, to visit the said Parish, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And

And whereas it appears upon such Report that there is a certain Local Act in force within the said Parish having relation to the purposes of the said Public Health Act; that is to say,

An Act passed in the Fifteenth Year of the Reign of Her present Majesty Queen Victoria, intituled "An Act for establishing a Market, and "for providing a Market House and Slaughter-houses, at Aberdare, in "the County of Glamorgan."

And whereas from such Report it appears,—

1. That the population of Aberdare has rapidly increased of late years, and is still increasing with greater rapidity than at any period heretofore.

2. That there are no Local Acts in force (with the exception of a Market Act), nor any powers for providing for the sanitary requirements of the place, or the comfort and convenience of the inhabitants.

3. That being situate in a valley, at the confluence of two rivers, the site is occasionally subject to floods.

4. That there is no provision for drainage, and great deficiency of privy accommodation; and that the inhabitants, for want of such provisions, are forced to resort to the most offensive expedients in disposing of their refuse; the greater portion of it being cast upon spots of waste ground, and the public streets and thoroughfares, where it accumulates in heaps and stagnant pools

5. That there is no public provision for water supply, the major part of the inhabitants resorting to certain springs or spouts, some of which yield water of impure quality; that the labour and loss of time incurred in procuring a supply of this water are so great as to amount to a serious evil; and that, as the population of the place goes on increasing, this evil must increase also, unless some timely provision be made.

6. That the houses of the working classes, from the causes above cited, and from their being crowded closely together and ill-ventilated, are generally very unhealthy and comfortless abodes.

7. That the sanitary condition of the place is very bad, fevers and other zymotic diseases being continuously present; that the deaths from these causes, and of young subjects, are far beyond the average even in manufacturing districts.

8. That the roads are in a state requiring improvement.

9. That, although a gas company exists, there is no public lighting.

10. That there is one burial ground attached to the parish church, which is very old, and now quite full; but that further burial accommodation, to the extent of eleven acres, in connexion with the Established Church, will shortly be available; but there are thirteen small burial grounds attached to dissenting chapels of various denominations, many of which, from their condition, and from the position in proximity to dwellings, it would be desirable to close.

11. That the comfort and health of the inhabitants would be promoted and their condition improved, by—

a. Drainage of the subsoil in parts.

b. A complete system of refuse drainage.

c. Proper privy accommodation.

d. An abundant supply of pure water.

e. Improved ventilation in the dwellings of the working classes.

f. Improvement

f. Improvement in the state of the roads.

g. Lighting of the public streets.

h. The closing of some of the existing burial grounds, and the provision of adequate burial accommodation in their stead.

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to the said Parish; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order under our hands and official seal, direct, That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order:—

1.—The Public Health Act, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to the Parish of Aberdare, in the County of Glamorgan.

2.—The Local Board of Health for the said Parish shall consist of twelve persons, all of whom shall be elected for the whole of the said Parish.

3.—One third in number of the said Local Board shall go out of office on the day next after the expiration of a year from the day appointed by Parliament for the first election of the said Local Board, and so on annually.

4.—Every person shall, when elected, and while he continues a member of the said Local Board, be resident, as in the Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the amount of not less than five hundred pounds, or shall be so resident and rated to the relief of the poor of the said Parish, or of some township or place of which some part is within the said district, upon an annual value of not less than twenty-five pounds.

5.—At the first election of the said Local Board, the Reverend John Griffith, Vicar of Aberdare, shall perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said John Griffith, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then David Davies, Coal Proprietor, Blaen Gwawr, Aberdare, shall perform such of the said duties as then remain to be performed.

6.—The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said John Griffith, at his residence, the Vicarage, Aberdare; or in case he shall refuse or be unable to receive the same, then to the aforesaid David Davies, at his residence, Blaen Gwawr, Aberdare.

Given under our Hands and under the Seal of the General Board of Health, this Twenty-fourth day of January, in the year of our Lord One thousand eight hundred and fifty-four.

(Signed) SHAFTESBURY.
(L.S.) EDWIN CHADWICK.
T. SOUTHWOOD SMITH.

BISHOP AUCKLAND.

Provisional Order for the Application of the Public Health Act to the District of Bishop Auckland, in the County of Durham.

GENERAL BOARD OF HEALTH.

WHEREAS the General Board of Health have, upon the joint petition of not less than one tenth of the Inhabitants rated to the relief of the poor of and within the townships of Newgate in Auckland, the Borough of Auckland, and Bondgate in Auckland, commonly called the township of Bishop Auckland, in the County of Durham, (the number of the said Petitioners exceeding thirty in the whole,) directed Thomas Webster Rammell, one of their Superintending Inspectors, to visit the said township, and to make public inquiry and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the Inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice, stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township, with respect to which the said inquiry had been made, the said Board caused the said Thomas Webster Rammell to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such

statements

statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the said township of Bishop Auckland as is included within the boundaries described in the Schedule to this Order, being the same as the boundary marked by a dotted line on the Map accompanying the said first Report of the said Thomas Webster Rammell, and being the same within which the said inquiry and further inquiry have been made; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order under our Hands and Seal, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1. The Public Health Act, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said township of Bishop Auckland as is comprised within the dotted line on the Plan annexed to the said first Report, referred to on that Plan as "the boundary of the proposed district," and described in the Schedule to this Order annexed.
2. The Local Board of Health for the said district shall consist of nine persons, and the entire number shall be elected for the whole of the said district.
3. One third in number of the persons so elected shall go out of office on the Twenty-fifth day of March in each year subsequent to that of the first election of the said Local Board.
4. Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident, as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than five hundred pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than twenty pounds.
5. At the first election of the said Local Board, the Reverend George Edward Green, Perpetual Curate of St. Andrew, Bishop Auckland, shall have the powers and perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said George Edward Green, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Robert Archibald Douglas Gresley, Esquire, shall perform such of those duties as then remain to be exercised or performed.
6. The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said George Edward Green, ~~at the Parsonage, Bishop Auckland~~, or in case he shall refuse or be unable to receive the same, then to the said Robert Archibald

Archibald Douglas Gresley, at his residence, Bishop Auckland, within the aforesaid district.

Given under our Hands and under the Seal of the General Board of Health, this Twenty-fourth day of January, in the year of our Lord One thousand eight hundred and fifty-four.

(Signed) SHAFTESBURY.
EDWIN CHADWICK.
(L.S.) T. SOUTHWOOD SMITH.

Schedule.

The following is the description of the boundary of the district of Bishop Auckland referred to in the above Order:—

The boundary of the district of Bishop Auckland, in the county of Durham, (as marked by a dotted line drawn on the Plan of the said township, prefixed to the first Report on Bishop Auckland, made by Mr. Rammell to the General Board of Health, and dated 22nd October 1852, and described on that Plan as the "proposed boundary of the proposed district,") commencing at the centre of the Bowes Turnpike Road, leading from Bishop Auckland to Barnard Castle, and of a road leading from South Church and Etherley Grange respectively, at their points of intersection with Cabin Gate. The line will follow the centre of the road running in a westerly direction, which forms the southern boundary of Cockton Hill Farm belonging to Richard Bowser, Esq., up to the western side of a field on the north side of the aforesaid road, marked No. 1; then along the west fence of that field, in a northerly direction; then westerly along a portion of the south fence of a field marked No. 2, and belonging to Richard Bowser, Esq.; then, northerly, along a fence which forms the western boundary of fields, marked Nos. 2, 3, and 4, up to and across the road leading from Bishop Auckland to Etherley Grange, along a fence which forms the western boundary of two fields, marked Nos. 5 and 6, and belonging to Richard Bowser, Esq., up to a fence forming the south boundary of the Wear Valley Railway; thence, still in a northerly direction, across such railway, and along a fence forming the western boundary of a field, marked No. 7, belonging to the Wear Valley Railway Company, and along a fence forming the west boundary of a field, marked No. 8, up to the river Wear; then, along the southern bank of the river Wear, up to the point where the river Gaunless falls into the said river; then along the western bank of the river Gaunless to the south-east corner of a field adjoining the river Gaunless aforesaid, belonging to Messrs. William, Luke, and Robert Seymour, commonly called "Penny Bat Field," and marked No. 9; thence, westerly, along a fence forming the south boundary of the said field, and across a road called the South Church Lane, leading from Bishop Auckland to South Church; and along fences forming the south boundary of the fields marked Nos. 10, 11, and 12, belonging to Richard Bowser, Esq.; and along a fence forming the south boundary of a field, marked No. 13, belonging to the Bishop of Durham; and into the road leading from Bishop Auckland to Cabin Gate; and thence, southerly, along the centre of such road to the first-mentioned point.

WILLENHALL.

Provisional Order for the Application of the Public Health Act to the Township of Willenhall, in the County of Stafford.

GENERAL BOARD OF HEALTH.

WHEREAS it having been ascertained from the last return for the time being, made up by the Registrar-General of Births, Deaths, and Marriages, from the deaths registered in a period of not less than seven years, that the number of deaths annually within the boundaries of the Township of Willenhall, in the County of Stafford, has on an average exceeded during that period the proportion of twenty-three to a thousand of the population of such Township, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed Robert Rawlinson, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Township, for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Township, or having relation to the purposes of the said Act, also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said report, accompanied by a notice, stating that written statements might be forwarded to the said Board, with respect to any matter contained in or omitted from the said report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed; and the statement which has been received by the said Board has been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said Township, and within the same boundaries as those within and with respect to which the said inquiry has been made, but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said General Board of Health by the Public Health Act, 1848, We, the said General Board of Health, do by this Provisional Order, under our hands and seal of office, order and direct, that from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this present Order,

1.—The Public Health Act, 1848, and every part thereof, except the Section numbered 50, in the copies of that Act printed by Her Majesty's printers, shall apply to the entire area comprised within the boundaries

General Board of Health,

of the said Township of Willenhall, and that the said Township shall be a district for the purposes of the said Public Health Act accordingly.

2.—The Local Board of Health to be elected for the said Township shall consist of twelve persons, all of whom shall be elected for the whole of the said District.

3.—One third in number of the said Local Board shall go out of office on the 31st day of March in each year subsequently to that in which the said first election takes place.

4.—Every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the said Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the value of not less than five hundred pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than twenty pounds

5.—At the first election of the said Local Board, James Tildesley, of Willenhall aforesaid, shall have the powers and perform the duties vested in or imposed upon the chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting the said first election; and in case the said James Tildesley, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then Ralph D. Gough, also of Willenhall aforesaid, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6.—The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said James Tildesley, at his residence, Summerford Place, in the district of Willenhall aforesaid, or in case he shall refuse or be unable to receive the same, then to the said Ralph D. Gough, at his residence in the same district.

Given under our Hands, and under the Seal of the General Board of Health, this Thirteenth day of June in the year of our Lord One thousand eight hundred and fifty-four.

(Signed) SHAFTESBURY.
EDWIN CHADWICK
(L.S.) T SOUTHWOOD SMITH

OVER DARWEN.

Provisional Order for the Application of the Public Health Act to the Township of Over Darwen, in the County Palatine of Lancaster.

GENERAL BOARD OF HEALTH.

WHEREAS it having been ascertained from the last return for the time being, made up by the Registrar General of Births, Deaths, and Marriages, from the deaths registered in a period of not less than seven years, that the number of deaths

deaths annually within the boundaries of the township of Over Darwen, in the County Palatine of Lancaster, has on an average exceeded during that period the proportion of twenty-three to a thousand of the population of such township, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Lee, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said report, accompanied by a notice, stating that written statements might be forwarded to the said Board, with respect to any matter contained in or omitted from the said report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed; and such statement as has been received by the said Board has been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Heath Act, except as herein-after mentioned, should be applied to the said township, and within the same boundaries as those within and with respect to which the said inquiry has been made, but the same cannot be done without the authority of Parliament.

And whereas it appears upon such report that there is a certain Local Act of Parliament in force within the said township of Over Darwen, having relation to the purposes of the said Public Health Act, that is to say:—

An Act passed in the 10th and 11th years of the reign of Her present Majesty, intituled "An Act for better supplying with Water the Town and "Neighbourhood of Over Darwen, in the County of Lancaster, and for affording "a more regular and constant Supply of Water to the Mill Owners and others "on the River Darwen."

Now therefore, in pursuance of the powers vested in the said General Board of Health by the Public Health Act, 1848, We, the said General Board of Health, do by this Provisional Order, under our hands and seal of office, direct, that from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this present order,

1.—The Public Health Act, 1848, and every part thereof, except the section numbered 50, in the copies of that Act printed by Her Majesty's printers, shall apply to the entire area comprised within the boundaries of the said township of Over Darwen, in the County Palatine of Lancaster,

caster, and that the said township shall be a district for the purposes of the said Public Health Act accordingly

2.—The Local Board of Health, to be elected for the said township, shall consist of twelve persons, all of whom shall be elected for the whole of the said district.

3.—One third in number of the said Local Board shall go out of office on the 31st day of March in each year subsequently to that in which the said first election takes place

4.—Every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the said Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the value of not less than four hundred pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place, of which some part is within the said district, upon an annual value of not less than ten pounds.

5.—At the first election of the said Local Board, Charles Potter, Esq., J. P., shall have the powers and perform the duties vested in or imposed upon the chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and rate-payers, and shall perform all other duties which it may be requisite for him to perform in conducting the said first election, and in case the said Charles Potter, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then George Handel Openshaw, Esq., shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6.—The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Charles Potter, at his residence within the district of Over Darwen aforesaid, or in case he shall refuse or be unable to receive the same, then to the said George Handel Openshaw, at his residence, in the same district.

Given under our Hands, and under the Seal of the General Board of Health, this Eighth day of June, in the year of our Lord One thousand eight hundred and fifty-four.

(Signed) EDWIN CHADWICK

(L.S.) T. SOUTHWOOD SMITH.

LONDON:
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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LIV.

An Act to guarantee the Liquidation of a Loan or Loans for the Service of the Colony of *Jamaica*.

[31st *July* 1854.]

WHEREAS by an Act of the Governor, Council, and Assembly of the Island of *Jamaica*, passed in the Seventeenth Year of Her Majesty, intituled *An Act for the better Government of this Island, and for raising a Revenue in support thereof*, it was enacted, that so long as the Sum of Thirty thousand Pounds, therein-after directed to be annually raised and paid for the Term of Thirty Years, and to be appropriated to the Liquidation of the Public Debt and Interest or any Part thereof, and a Sum of Twenty-five thousand Pounds, should be payable under the Provisions of that Act, there should be raised, levied, and paid to Her Majesty, Her Heirs and Successors, for the Use and Benefit of the Government of the said Island, upon all Live and Dead Stock, Goods, Wares, and Merchandise imported into the said Island, except as therein mentioned, the several Duties enumerated in the Schedule to the said Act annexed marked (C.), and that there should be payable out of the Revenue Fund to be raised under the said Act, and by an Act of the Legislature of the said Island of the Eighth *Victoria*, Chapter Sixteen, to Her Majesty, Her Heirs and Successors, for the

Use of the Government of that Island, yearly and every Year during the Term of Thirty Years next after the Proclamation of the Act now in recital, the Sum of Thirty thousand Pounds, for the Purpose of paying the annual Interest of, at a Rate not exceeding Four *per Cent.*, and for providing a Sinking Fund for the Liquidation of, such Portion of the Public Debt of the said Island of *Jamaica* as should be guaranteed by the *British* Government, as therein-after provided; and it was thereby provided, that no Portion of the said annual Sum of Thirty thousand Pounds should be paid unless an Act should have passed the Imperial Parliament of *Great Britain*, pledging the Guarantee of the United Kingdom for the Liquidation of the said Public Debt to the Extent of Five hundred thousand Pounds, with Interest not exceeding the Rate aforesaid, and that the Act now in recital should not come into operation until an Act should have passed the said Imperial Parliament pledging the Guarantee of the United Kingdom as aforesaid: And whereas by another Act of the Governor, Council, and Assembly of the said Island of *Jamaica*, passed in the Seventeenth Year of Her Majesty, intituled *An Act for raising a Loan of Five hundred thousand Pounds, to be applied to the Redemption of the Public Debt of this Island*, it was enacted, that such Persons as should be appointed in that Behalf by Her Majesty, Her Heirs and Successors, should be Agents in *England* under that Act for the Purpose of raising and managing the Monies therein-after proposed to be raised, and that the Agents for the Time being under that Act should have full Power and Authority to borrow and raise, in *Great Britain*, by Bond, Debenture, or otherwise, such Sums, not exceeding in the whole the Sum of Five hundred thousand Pounds Sterling, as the Lord High Treasurer, or the Lords Commissioners of Her Majesty's Treasury, or any Three of them, might determine; and all Bonds and Debentures to be granted by such Agents under that Act should be in such Form as such Agents, or any Two of them, should deem fit and proper, and should be transferable and negotiable, and should be made redeemable on the First Day of *June* One thousand eight hundred and eighty-five; and every such Bond should be drawn for a Sum not less than Three hundred Pounds Sterling, and should bear Interest at the yearly Rate of Four Pounds in the Hundred, which Interest should by such Bond or Debenture be made payable half-yearly at some Place in *London* to be named for that Purpose in such Bond or Debenture; and that all such Sums of Monies as should be borrowed and raised under that Act, and all Interest for the same, at the yearly Rate of Four Pounds in the Hundred, to be computed from the several Times of borrowing or raising the same, should be secured by and out of and should be a Charge on the Revenue to be raised for that Purpose under the Provisions of the Act firstly herein recited,

and

and should be a further Charge on the general Revenues of the Island, and should be redeemed by a Sinking Fund, and the Interest thereon be paid and secured to be paid in manner by such Act in this respect provided; and it was by the Act now in recital further enacted, that all Monies to be raised under that Act should be applied to the Redemption of so much of the Public Debt of the said Island as is particularly specified in the Schedule F. to the firstly herein recited Act annexed: And whereas it is expedient to guarantee, as hereinafter mentioned, the Liquidation of the Sums to be borrowed under the said Acts of the Governor, Council, and Assembly of the Island of *Jamaica*, with the Interest thereon not exceeding the Rate in the said Acts mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sums borrowed under recited Jamaica Acts, not exceeding 500,000*l.*, and Interest, guaranteed.

I. The Liquidation of all such Sums, not exceeding in the whole the Sum of Five hundred thousand Pounds, as shall be borrowed and raised in *Great Britain* under the said Acts of the Governor, Council, and Assembly of the Island of *Jamaica*, with the Approbation of the Commissioners of Her Majesty's Treasury, together with the Interest thereon, not exceeding the yearly Rate of Four Pounds in the Hundred, shall be guaranteed under this Act; and for giving Effect to such Guarantee it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be issued and paid out of the growing Produce of the Consolidated Fund of the said United Kingdom such Sums as shall be required to make good any Deficiency which shall happen in the regular Payment on the Part of the Island of *Jamaica* of the Interest accruing due upon such Sums as shall be borrowed as aforesaid, or in the Liquidation of the Principal Sums, when the same shall become payable.

Advances out of Consolidated Fund of United Kingdom to be charged on Revenues of Jamaica.

II. All the Sums which shall be so issued and paid out of the Consolidated Fund of the said United Kingdom in respect of the Interest of the Sums borrowed as aforesaid, or the Liquidation of the Principal Sums, with Interest upon the Sums so issued after the yearly Rate of Five Pounds in the One hundred Pounds, to be computed from the several Times of issuing the same, shall be charged upon the Revenues of the Island of *Jamaica*.

No Act of Jamaica varying the Security on the Revenues of Jamaica

III. No Act passed by the Legislature of *Jamaica* repealing or reducing the Duties enumerated in Schedule C. to the firstly herein before recited Act of the Legislature of *Jamaica*, or for varying the Appropriation under the said Act of the said Duties, or of

to be valid until confirmed by Her Majesty in Council.

of the Revenues raised by the Act of the Eighth Year of *Victoria*, Chapter Sixteen, in the said Act mentioned, or for otherwise altering or affecting the Provision for the Payment of the said Sum of Thirty thousand Pounds, shall be valid unless such Act contain a Clause suspending the Operation of the same until Her Majesty's Pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty with the Advice of Her Privy Council, and a Proclamation of such Confirmation having been given shall have been made by the Governor or Person administering the Government of the said Island.

Certificate of Amount paid out of Consolidated Fund to be sent to Jamaica.

IV. The Commissioners of Her Majesty's Treasury shall from Time to Time certify to One of Her Majesty's Principal Secretaries of State the Amount so paid from Time to Time on account of the Interest or Principal of the Sums borrowed as aforesaid; and such Certificate shall be communicated to the Governor or Person administering the Government of the Island of *Jamaica*, and shall be by him communicated to the Council and Assembly of the said Island; and such Certificate shall be conclusive Evidence of the Amount so paid out of the Consolidated Fund of the said United Kingdom, and of the Time when the same was paid on account of the Interest or Principal of the Sums so borrowed.

Accounts to be laid before Parliament.

V. The Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament, within Fourteen Days next after the Beginning of every Session, an Account of all Sums from Time to Time issued out of the Consolidated Fund of the said United Kingdom by virtue of this Act towards making good any such Deficiency as aforesaid, and also an Account of all Sums repaid by or recovered from the Island of *Jamaica*, by reason of such Advance, with the Interest paid or recovered thereon.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LV.

An Act for the Registration of Bills of Sale in *Ireland*. [31st *July* 1854.]

WHEREAS Frauds are frequently committed upon Creditors by secret Bills of Sale of Personal Chattels, whereby Persons are enabled to keep up the Appearance of being in good Circumstances and possessed of Property, and the Grantees or Holders of such Bills of Sale have the Power of taking possession of the Property of such Persons, to the Exclusion of the rest of their Creditors: For Remedy whereof be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Bills of Sale to be void, unless the same or a Copy thereof be filed within 21 Days, in like Manner as Warrants of Attorney.

I. Every Bill of Sale of Personal Chattels made after the passing of this Act, either absolutely or conditionally, or subject or not subject to any Trusts, and whereby the Grantee or Holder shall have Power, either with or without Notice, and either immediately after the making of such Bill of Sale or at any future Time, to seize or take possession of any Property and Effects comprised in or made subject to such Bill of Sale, and every Schedule or Inventory which shall be thereto annexed or therein referred to, or a true Copy thereof and of every Attestation of the Execution thereof, shall, together with an Affidavit

 of

of the Time of such Bill of Sale being made or given, and a Description of the Residence and Occupation of the Person making or giving the same, or, in case the same shall be made or given by any Person under or in the Execution of any Process, then a Description of the Residence and Occupation of the Person against whom such Process shall have issued, and of every attesting Witness to such Bill of Sale, be filed with the Master of the Court of Queen's Bench in *Ireland* within Twenty-one Days after the making or giving of such Bill of Sale (in like Manner as a Warrant of Attorney to confess Judgment in any Personal Action is now by Law required to be filed), otherwise such Bill of Sale shall, as against all Assignees of the Estate and Effects of the Person whose Goods or any of them are comprised in such Bill of Sale, under the Laws relating to Bankruptcy or Insolvency, or under any Assignment for the Benefit of the Creditors of such Person, and as against all Sheriffs Officers and other Persons seizing any Property or Effects comprised in such Bill of Sale in the Execution of any Process of any Court of Law or Equity authorizing the Seizure of the Goods of the Person by whom or of whose Goods such Bill of Sale shall have been made, and against every Person on whose Behalf such Process shall have been issued, be null and void to all Intents and Purposes whatsoever, so far as regards the Property in or Right to the Possession of any Personal Chattels comprised in such Bill of Sale which at or after the Time of such Bankruptcy, or of filing the Insolvent's Petition in such Insolvency, or of the Execution by the Debtor of such Assignment for the Benefit of his Creditors, or of executing such Process, (as the Case may be,) and after the Expiration of the said Period of Twenty-one Days, shall be in the Possession or apparent Possession of the Person making such Bill of Sale, or of any Person against whom the Process shall have issued under or in the Execution of which such Bill of Sale shall have been made or given, as the Case may be.

3 & 4 Vict. c. 105. s. 12.

Defeazance or Condition of every Bill of Sale to be written on the same Paper or Parchment.

II. If such Bill o Sale shall be made or given subject to any Defeazance or Condition or Declaration of Trust not contained in the Body thereof, such Defeazance or Condition or Declaration of Trust shall for the Purposes of this Act be taken as Part of such Bill of Sale, and shall be written on the same Paper or Parchment on which such Bill of Sale shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Bill of Sale shall be null and void to all Intents and Purposes as against the same Persons, and as regards the same Property and Effects, as if such Bill of Sale or a Copy thereof had not been filed according to the Provisions of this Act.

III. The

III. The said Master of the said Court of Queen's Bench shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy filed in his said Office under the Provisions of this Act, to be numbered, and shall keep a Book or Books in his said Office in which he shall cause to be fairly entered an alphabetical List of every such Bill of Sale, containing therein the Name, Addition, and Description of the Person making or giving the same, or in case the same shall be made or given by any Person under or in the Execution of Process as aforesaid, then the Name, Addition, and Description of the Person against whom such Process shall have issued and also of the Person to whom or in whose Favour the same shall have been given, together with the Number and the Dates of the Execution and filing of the same, and the Sum for which the same has been given, and the Time or Times (if any) when the same is thereby made payable, according to the Form contained in the Schedule to this Act; which said Book or Books, and every Bill of Sale, or Copy thereof, filed in the said Office, may be searched and viewed by all Persons at all reasonable Times, paying to the said Master for every Search against One Person the Sum of Sixpence, and no more; and in addition to the last-mentioned Book the said Master of the said Court of Queen's Bench shall keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Bills of Sale are filed in manner aforesaid, the Name, Addition, and Description of the Person making or giving the same, or of the Person against whom such Process shall have issued, as the Case may be, and also of the Persons to whom or in whose Favour the same shall have been given, but containing no further Particulars thereof, which last-mentioned Book or Index all Persons shall be permitted to search for themselves, paying to the said Master for such last-mentioned Search the Sum of One Shilling.

Officer of Court to keep a Book containing Particulars of each Bill of Sale.

IV. The said Master shall be entitled to receive, for his Trouble in filing and entering every such Bill of Sale or a Copy thereof as aforesaid, the Sum of One Shilling, and no more; and the said Master shall cause all Fees received by him under this Act, and all Disbursements made thereout for necessary Expenses, to be duly entered in One or more Books to be kept for that Purpose in his Office, and also the Particulars and Amount of every Disbursement, and shall, within One Month after the Thirty-first Day of *December* in each Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury of all such Fees and Disbursements in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied with such Vouchers, as the said Commissioners shall from Time to Time think proper to require and direct; and if upon Examination of any such Account it shall appear to the said Commissioners that any Fees have not been duly accounted for, or that

Officer entitled to a Fee of One Shilling for filing Bill of Sale.

that any unreasonable or improper Charge or Deduction has been made in such Account, the said Commissioners may finally settle and adjust the same as they may think reasonable, and the said Master shall alter and amend the Account accordingly; and the said Master shall, when required so to do, submit his Books of Account to the Inspection of the said Commissioners, or any Person whom they may employ for that Purpose.

Office Copies or Extracts to be given, on paying as for Copies of Judgments.

V. Any Person shall be entitled to have an Office Copy or an Extract of every Bill of Sale, or of the Copy thereof, filed as aforesaid, upon paying for the same at the like Rate as for Office Copies of Judgments in the said Court of Queen Bench.

Satisfaction may be entered.

VI. It shall be lawful for any Judge of the said Court of Queen's Bench to order a Memorandum of Satisfaction to be written upon any Bill of Sale or Copy thereof respectively as aforesaid, and also in the said Books kept in the said Master's Office as aforesaid, if it shall appear to him that the Debt (if any) for which such Bill of Sale is given as Security shall have been satisfied or discharged.

Interpretation of Terms.

VII. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; (that is to say,)

The Expression "Bill of Sale" shall include Bills of Sale, Assignments, Transfers, Declarations of Trust without Transfer, and other Assurances of Personal Chattels, and also Powers of Attorney, Authorities or Licences to take possession of Personal Chattels as Security for any Debt, but shall not include the following Documents; that is to say, Assignments for the Benefit of the Creditors of the Person making or giving the same, Marriage Settlements, Transfers or Assignments of any Ship or Vessel or any Share thereof, Transfers of Goods in the ordinary Course of Business of any Trade or Calling, Bills of Sale of Goods in Foreign Parts or at Sea, Bills of Lading, *India* Warrants, Warehouse Keepers Certificates, Warrants or Orders for the Delivery of Goods, or any other Documents used in the ordinary Course of Business as Proof of the Possession or Control of Goods, or authorizing or purporting to authorize, either by Endorsement or by Delivery, the Possessor of such Document to transfer or receive Goods thereby represented:

The Expression "Personal Chattels" shall mean Goods, Furniture, Fixtures, and other Articles capable of complete Transfer by Delivery, and shall not include Chattel Interests in Real Estate, nor Shares or Interests in the Stock, Funds, or Securities of any Government,

Government, or in the Capital or Property of any incorporated or Joint Stock Company, nor Choses in Action, nor any Stock or Produce upon any Farm or Lands, which by virtue of any Covenant or Agreement, or of the Custom of the Country, ought not to be removed from any Farm where the same shall be at the Time of the making or giving of such Bill of Sale:

Personal Chattels shall be deemed to be in the "apparent Possession" of the Person making or giving the Bill of Sale, so long as they shall remain or be in or upon any House, Mill, Warehouse, Building, Works, Yard, Land, or other Premises occupied by him, or as they shall be used and enjoyed by him in any Place whatsoever, notwithstanding that formal Possession thereof may have been taken by or given to any other Person.

Extent of Act.

VIII. This Act shall not extend to *England* or *Scotland*.

SCHEDULE.

Number.	Name, &c. of the Person making or giving the Bill of Sale, or of the Person divested of Property.	Name, &c. of the Person to whom made or given.	Whether Bill of Sale, Assignment, Transfer, or what other Assurance, and whether absolute or conditional.	Date of Execution.	Date of filing.	Sum for which made or given.	When and how paid or payable.	Defeasance.	Date of Satisfaction.

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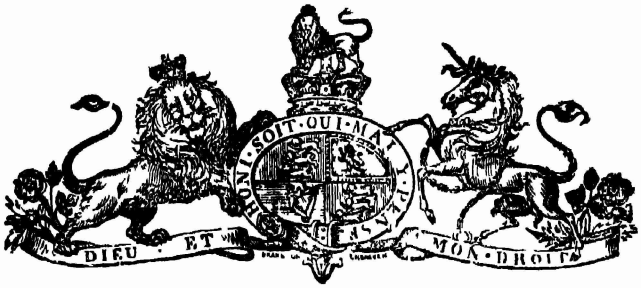

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act to apply only to certain Societies.

I. This Act shall relate to and include such of the said Societies only as grant and effect Policies of Assurance payable at Death exceeding the Sum of One thousand Pounds; and from and after the passing of this Act the said Societies shall cease to be Friendly Societies, and shall not be affected by the Provisions of any Act passed in the present or any future Session of Parliament relating to Friendly Societies, unless therein expressly named.

Acts and Parts of Acts now affecting such Societies to continue in force, except as after provided.

II. The several Provisions contained in the Acts relating to Friendly Societies which were wholly or in part in force on the First Day of this present Session of Parliament with respect to the Societies intended to be affected and provided for by this Act, save and except the Thirty-seventh and Fifty-first Sections of the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and fifteen, shall, so far as they now affect such Societies, remain and be in force and unrepealed with respect to the said Societies, except as is herein-after provided.

No Exemption from Stamp Duties to exist as to Societies affected by this Act. Such Societies not to assure in favour of Nominees.

III. No Exemption from any of the Duties granted by any Act or Acts relating to Stamp Duties shall, from and after the passing of this Act, extend or be construed to extend to any of the Societies intended to be affected and provided for by this Act; and it shall not be lawful for such Societies, after the passing of this Act, to assure the Payment of any Money on the Death of any Member or Person whomsoever to any Nominee of such Member or Person, but only to the Person or Persons effecting and contracting for any Assurance with the said Societies respectively, or to his, her, or their Executors, Administrators, or Assigns.

Societies affected by this Act may effect the Objects allowed by their Rules, and other legal Assurances.

IV. The Societies intended to be affected and provided for by this Act may carry on, transact, and effect all the Business and Purposes which have been from Time to Time and are duly specified in and allowed by the enrolled or certified Rules of the said Societies respectively, and also may grant, make, or effect all such Assurances on Lives, Survivorships, Contingencies, and Events dependent on or connected with Life or otherwise as may by Law be made or effected, and may make such new Rules or Alterations in Rules as shall not be repugnant to Law, without being required to submit the same to the Registrar of Friendly Societies, and shall not be required to transmit to such Registrar any Statement or Return of Sickness or Mortality or of Assets or Liabilities.

V. The

Friendly Societies.

V. The Trustees of the several Societies intended to be affected and provided for by this Act may from Time to Time lay out and invest the Funds of such Societies, as well in the Manner, and upon the Stocks, Funds, and Securities, which are now authorized by Law with regard to such Societies, as also in or upon Exchequer Bonds and Bills, and any Stocks, Funds, or Securities guaranteed by the Government of *Great Britain*, and Bonds of the City of *London*, or on Mortgage, or in the Purchase of any reversionary, contingent, or other Estate or Interest in any Freehold, Leasehold, or Copyhold Property in *Great Britain* or *Ireland*, or of any such Estate or Interest in any of the Stocks, Funds, or Securities herein-before mentioned and referred to respectively, or of any such Estate or Interest in any Sum or Sums of Money secured upon any such Real and Personal Estate as aforesaid, or upon the Security of any Rates, Tolls, Duties, Assessments, Bonds, Stocks, Debentures, or other Securities of any Persons, Body, or Company authorized by Act of Parliament, Charter, or otherwise to be raised, levied, or mortgaged, and also upon Security of any Life Policy or Policies, although the Amount of the Loan may exceed the then present Value thereof, provided the Premiums on such Policy or Policies and the Interest of the Loan be collaterally secured by or upon some of the Securities herein-before mentioned, and shall and may from Time to Time vary and transpose the said Securities so purchased, and sell the same respectively.

Provision for the Investment of the Funds of Societies affected by this Act.

VI. All Powers and Provisions of any Act or Acts of Parliament for ordering and enforcing the Attendance of Witnesses before an Arbitrator under any Reference made a Rule of Court, and for punishing Disobedience to any such Order, shall apply to any Arbitration of any Difference or Dispute under or pursuant to the Rules of any of the Societies intended to be affected and provided for by this Act, for which Purpose a Copy of the Resolution of the Board of Directors, or Committee, or Board of Management of any such Society, authorizing such Reference, signed by the Chairman or any Director or the Secretary of such Society, may be made a Rule of any of Her Majesty's Courts at *Westminster*.

Power for Judge or Court to enforce the Attendance of Witnesses before Arbitrators.

VII. The Trustees for the Time being of any Society intended to be affected and provided for by this Act may from Time to Time, with the Consent of the Board of Directors, or Board or Committee of Management thereof, purchase, hire, or take upon Lease, and adapt and furnish, any Buildings for the Purpose of holding the Meetings and transacting the Business of such Society, and shall hold the same in trust for the Use of such Society, and may, with such Consent as aforesaid, mortgage, sell, exchange, or let

Power to purchase and hold Buildings for Offices of Society.

let the same or any Part thereof; and the Receipt in Writing of such Trustees shall be a valid and legal Discharge for the Money arising from any such Mortgage, Sale, Exchange, or Lease, and for any other Moneys payable to them by virtue of this Act; and no Purchaser, Mortgagee, Lessee, Assignee, or other Person shall be bound to ascertain or show whether any such Consent shall have been given as aforesaid, or be answerable for the Misapplication or Nonapplication of the Moneys in any such Receipt expressed to be received, or be bound to see to the Application thereof: Provided always, that any Building which now belongs to any such Society may be held and dealt with in the same Manner as if it had been acquired under or by virtue of this Act.

Trustees of Friendly Societies not to invest Funds in Savings Banks, &c.

VIII. It shall not be lawful for the Trustees of any Friendly Society coming under the Provisions of this Act to make any Investment of the Funds of such Society either in a Savings Bank, or with the Commissioners for the Reduction of the National Debt: Provided always, that where the Funds or any Part thereof of any such Friendly Society shall be invested in a Savings Bank or with the said Commissioners, such Funds shall be withdrawn from such Savings Bank or from the said Commissioners by the said Trustees within the Space of Twelve Months after the passing of this Act, if required by the said Commissioners.

Short Title.

IX. In citing this Act in other Acts of Parliament, and in legal Proceedings and Instruments, it shall be sufficient to use the Expression "The Friendly Societies Discharge Act, 1854."

Extent of Act.

X. This Act shall extend to *Great Britain* and *Ireland*, and the Islands of *Guernsey*, *Jersey*, and [illegible] respectively.

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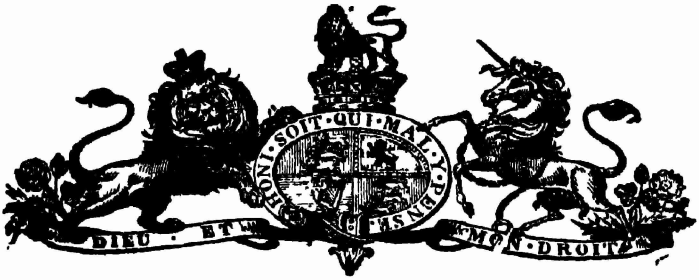

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LVIII.

An Act to continue certain Turnpike Acts in *Great Britain*, and to make further Provisions concerning Turnpike Roads in *England*.

[31st *July* 1854.]

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified, and to make further Provisions concerning Turnpike Roads in *England*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament, shall be continued until the First Day of *October* One thousand eight hundred and fifty-five, and to the End of the then next Session of Parliament, except an Act of the Fifty-fourth of King *George* the Third, Chapter One hundred and eighty, "for repairing the Road from *Potton* in the "County of *Bedford*, and *Gamlingay* in the County of *Cambridge*, "to *Eynesbury* in the County of *Huntingdon*," and an Act of the Third Year of King *George* the Fourth, Chapter Sixty-four, "for

All Turnpike Acts which will expire on or before the End of next Session continued to 1st Oct. 1855, &c., with certain Exceptions.

" amending and maintaining the Road from *Whitchurch* to *Ternhill* " in the County of *Salop*," and except as herein-after mentioned.

Acts in Schedule to this Act continued till 1st Nov. 1855.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and fifty-five, and no longer, unless Parliament shall in the meantime continue the same respectively.

Any Money applicable to Payment of Turnpike Debts may be applied in manner Provided by 12 & 13 Vict. c. 87. with respect to Sinking Funds under that Act.

III. Where any Money arising from any Sinking Fund provided under any Local Turnpike Act, or from the Sale of surplus Land, or from Compensation payable by any Company, Corporation, or Person, or from any other Source, is or may be applicable to the Payment of the Principal Debts owing on the Security of the Tolls of any Turnpike Road, or of any particular Class of such Debts, it shall be lawful for the Trustees or Commissioners of such Road, if they think fit, from Time to Time (so often as the Money so applicable amounts to the Sum of Two hundred Pounds, or to such other Sum as the said Trustees or Commissioners, with the Consent in Writing of One of Her Majesty's Principal Secretaries of State, may determine,) to apply the same in or towards the Discharge of such Debts or Class of Debts, in manner provided by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-seven, with respect to the Application of Monies arising from the Sums set apart as therein mentioned, in or towards the Discharge of Monies borrowed, charged, or secured, after the passing of that Act, and such Money may be so applied as aforesaid, notwithstanding the Provisions of any Local or other Act for the Payment of such Principal Debts rateably, or by Lot, or otherwise.

Power to Executors, &c. to consent.

IV. All Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such are for the Time being entitled to any Money charged or secured on the Tolls of any Turnpike Road, may offer to accept and may accept under this Act such Composition in respect of such Money or any Part thereof as they in their Discretion may deem expedient, as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Tolls not to be charged without Consent of Secretary of State.

V. It shall not be lawful for the Trustees or Commissioners of any Turnpike Road to borrow any Money on the Credit of the Tolls of such Road, or to make any Mortgage, Charge, or Security of or upon such Tolls, without the previous Consent in Writing of One of Her Majesty's Principal Secretaries of State: Provided always, that this Enactment

Enactment shall not be applicable where Power is given by any Local Act to borrow a limited Sum for a specific Object on Security of such Tolls, nor shall it prevent the Execution of Mortgages which may be given in lieu of Mortgages lost or cancelled or otherwise for securing or further securing Money already charged on the Tolls of any Turnpike Road.

VI. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1854." **Short Title.**

VII. This Act shall not apply to *Ireland.* **Extent of Act**

SCHE-

SCHEDULE.

52 G. 3. c. xxi. An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His present Majesty, for repairing the Road from Hedon to Hull, and other Roads therein mentioned, in the County of York.

52 G. 3. c. lxxxi. An Act for repairing the Road from Chatham to Canterbury in the County of Kent.

54 G. 3. c. xiv. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Canterbury Lane within the Liberty of the Town of Folkestone to a Place in the Parish of Folkestone called Mudshole, and other Roads therein mentioned, in the County of Kent.

54 G. 3. c. lxxx. An Act for making and maintaining certain Roads from the Town of Stroud and several other Places therein mentioned, all in the County of Gloucester.

55 G. 3. c. xxxviii. An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford.

57 G. 3. c. xii. An Act for making and maintaining a Turnpike Road from and out of the Turnpike Road at the Bottom of Coalbrook-Dale in the Parish of Madeley, into the Turnpike Road leading from Shiffnal to Shrewsbury, at or near a Place called Watling Street in the Parish of Wellington, all in the County of Salop.

58 G. 3. c. vii. An Act for continuing and amending an Act of His present Majesty, for repairing the Roads near the Towns of Hockerton, Kirklington, Southwell, Normanton, and Winkbourne, with a Branch from Kirklington to the Street-Gate Road and the Newark and Southwell Turnpike Road at Greet Bridge in the County of Nottingham.

58 G. 3. c. lxxiii. An Act to continue the Term and enlarge the Powers of several Acts for repairing the Roads from Basingstoke through Popham Lane, Sutton Scotney, and Stockbridge in the County of Southampton to a Place called Lobcomb Corner in the County of Wilts.

1 G. 4. c. xx. An Act to enlarge the Term and Powers of an Act of His late Majesty, for making and maintaining the Road from near Lightpill Gate in the Parish of Rodborough to near Birdlip in the Parishes of Brimpsfield and Cowley, or one of them, all in the County of Gloucester.

1 G. 4. c. xxx. An Act for more effectually improving the Road from Gateshead in the County of Durham to the Church Lane near Ryton Lane Head, and from the Bar Moor to the Hexham Turnpike Road near Dilston Bar, in the County of Northumberland, and other Roads therein described, and also for altering the Line of a certain Part of the first above-mentioned Road.

1 G. 4. c. lxxxii. An Act to continue the Term and alter and enlarge the Powers of an Act of the Fortieth Year of His late Majesty's Reign, for repairing the Road leading from the Turnpike Road in Witney to the Road on Swerford Heath, and the Road leading from the Road from Woodstock to Birmingham, through Charlbury, to the Road from Chipping Norton to Burford, all in the County of Oxford.

1 & 2 G. 4. c. lxxxiii. An Act for repairing the Roads from Tetbury to Symondshall, from Frocester Hill to Dunkirk, and from the Latterwood to Nailsworth, and other Roads therein mentioned, all in the County of Gloucester.

An

An Act for repairing, widening, and maintaining several Roads in the Counties of Dorset and Devon, leading to and through the Borough of Lyme Regis, and from the Turnpike Road on Uplyme Hill to the Turnpike Road at the Three Ashes in the Parish of Crewkerne in the County of Somerset. 1 & 2 G. 4. c. cviii.

An Act for more effectually repairing, widening, amending, and improving the Roads from Wigan to Preston in the County Palatine of Lancaster. 3 G. 4. c. iii.

An Act for continuing the Term, and altering, amending, and enlarging the Powers of several Acts passed for repairing the Roads from Chappel Bar, near the West End of the Town of Nottingham, to Newhaven, and from the Four Lane Ends, near Oakerthorpe, to Ashbourne, and from the Cross Post on Wirksworth Moor, to join the Road leading from Chesterfield to Chapel-en-le-Frith, at or near Longston, in the County of Derby, and from Selstone to Annesley Wodehouse, in the County of Nottingham. 3 G. 4. c. x.

An Act for amending and improving the Roads leading from Tiltup's Inn in the Parish of Horsley to or near Dudbridge in the Parish of Rodborough, and from the Bridge at Nailsworth to the Cross Post on Minchinhampton Common, and other Roads thereto adjoining, and for making a new Piece of Road from the said Bridge to the Cross in the Parish of Avening, all in the County of Gloucester. 3 G. 4. c. lxi.

An Act to enlarge the Term and Powers of several Acts, for repairing and widening the Road from the Market House in Tetbury to the Turnpike Road on Minchinhampton Common, and several other Roads therein mentioned, all in the County of Gloucester, so far as the same Acts relate to the Second District of Roads therein mentioned. 3 G. 4. c. lxiii.

An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of Guldeford to the Directing Post near the Town of Farnham in the County of Surrey. 3 G. 4. c. lxvii.

An Act for more effectually repairing the Road from the Guide Post near the End of Drayton Lane near Banbury in the County of Oxford to the House called the Sun Rising, at the Top of Edge Hill in the County of Warwick. 3 G. 4. c. xc.

An Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of Honiton in the County of Devon. 3 G. 4. c. xcviii.

An Act for repairing and amending the Road from the City of Peterborough through Oundle and Thrapston to Wellingborough in the County of Northampton, and several other Roads near or adjoining thereto. 4 G. 4. c. viii.

An Act for more effectually repairing and improving the Yorkshire District of the Road from Keighley in the West Riding of the County of York to Kirkby-in-Kendal in the County of Westmoreland, and for making several Diversions therefrom, within the said West Riding of the County of York. 4 G. 4. c. xlix.

An Act for more effectually repairing the Road from the South End of Brown's Lane in the Parish of Great Staughton, in the County of Huntingdon, to the Bedford Turnpike Road, in the Parish of Lavendon, in the County of Buckingham. 4 G. 4. c. lxxx.

An Act for making and maintaining a Turnpike Road from Colne in the County of Lancaster, to communicate with the Road leading from Clitheroe in the same County to Skipton in the County of York. 5 G. 4. c. xliv.

An Act for more effectually repairing the Road from the Trent Bridge in the County of the Town of Nottingham to Cotes Bridge in the County of Leicester. 5 G. 4. c. xlvi.

5 G. 4. c. lvi. An Act for repairing the Lower Road from Greenwich to Woolwich in the County of Kent.

5 G. 4. c. lxxxii. An Act for making and maintaining a Turnpike Road from Roundhay Bridge to Collingham in the County of York.

5 G. 4. c. xcvii. An Act for repairing, widening, improving, and maintaining in repair the First District of Turnpike Roads leading to and from the Town of Bridport in the County of Dorset.

5 G. 4. c. cv. An Act for improving and more effectually repairing the Roads from the Town of Bolton-in-the-Moors to Nightingales in the Township of Heath Charnock, and for making a Branch Road from Little Bolton to or near the Crown in Horwich; and for enabling the Trustees therein named, together with the Trustees North and South of Yarrow, and the Trustees of the Road from Westhoughton to Duxbury Stocks, to make a new Line of Road from Hole House Brow in the said Township to the Town of Chorley, and a Branch Road from Rawlinson Bridge to Halliwell Field in the same Township, and another Branch Road in the Township of Duxbury, all in the County Palatine of Lancaster.

6 G. 4. c. xxiii. An Act for making and maintaining a Turnpike Road from Cainscross, through Stroud, over Rodborough and Minchinhampton Commons, to the Town of Minchinhampton, with several Branches therefrom, all in the County of Gloucester.

6 G. 4. c. xxvi. An Act for making a Turnpike Road from the Hope Turnpike in the Leominster and Hereford Road to or nearly Burley Gate in the Hereford and Bromyard Turnpike Road, and from thence to a Place called the Trumpet in the Ledbury and Hereford Turnpike Road, all in the County of Hereford.

6 G. 4. c. lxxxiv. An Act for making and maintaining a Turnpike Road from Trebarwith Sands, on the Sea Shore, to Condolden Bridge on the Road leading from Bossiney to Camelford, all in the County of Cornwall.

6 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton; and for making and maintaining a new Branch of Road to communicate therewith.

6 G. 4. c. cxliv. An Act for repealing Two Acts for repairing the Roads from Little Sheffield in the County of York to Sparrow Pit Gate in the County of Derby; and also an Act for making a Road from Banner Cross in the West Riding of the County of York to Fox House in the County of Derby; and for consolidating the Trusts of certain Roads mentioned in the said Acts; and for amending and making certain other Roads to communicate therewith; and for other Purposes relating thereto.

6 G. 4. c. clii. An Act for making and maintaining a Turnpike Road from the Town of Kingston-upon-Hull, through the Town of Hessle, to the East End of the Town of Ferriby, all in the County of the Town of Kingston-upon-Hull.

7 G. 4. c. ix. An Act for making and maintaining a Turnpike Road from Cannock in the County of Stafford to Penkridge in the same County.

7 G. 4. c. xviii. An Act for amending and maintaining the Road leading from the Turnpike Road on Farrard's Common in the Parish of Bradford, through Holt and Melksham, to Homan's Stile in the Parish of Lacock in the County of Wilts, and the Road leading therefrom to the Bath Turnpike Road upon Kingsdown Hill in the same County.

7 G. 4. c. lxxxii. An Act for more effectually repairing and improving the Road from West Houghton

Houghton to near Halliwell Field, in the Township of Heath Charnock in the County of Lancaster.

An Act for making and maintaining a Turnpike Road from Gomersal to Dewsbury in the West Riding of the County of York, with Two Branch Roads therefrom. 7 G. 4. c. xciii.

An Act for repairing the Road from Alford to Boston, and from thence to Cowbridge in the Township of Frithville, in the County of Lincoln. 7 & 8 G. 4. c. xvii.

An Act for more effectually repairing and improving the Road from Wadhurst to the Turnpike Road at Lamberhurst Down, both in the County of Sussex, and from the Turnpike Road at Pullen's Hill to West Farleigh Street, both in the County of Kent. 9 G. 4. c. xvii.

An Act for making and maintaining a Turnpike Road from the Bridport Turnpike Road at Allington, through Broadwindsor and Drimpton in the County of Dorset, to the Crewkerne Turnpike Road at or near Clapton Bridge, and also from Hewish Toll Gate to the Crewkerne Turnpike Road at or near Roundham Corner in the Parish of Crewkerne in the County of Somerset. 9 G. 4. c. xix.

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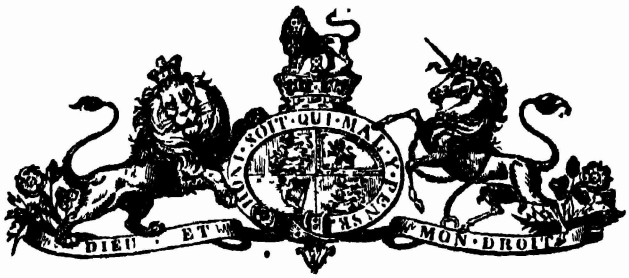

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LIX.

An Act to allow Verdicts on Trials by Jury in Civil Causes in *Scotland* to be returned although the Jury may not be unanimous.

[31st *July* 1854.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: From and after the passing of this Act, if upon the Trial by Jury of any Civil Cause in the Court of Session in *Scotland* the Jury are unable to agree upon a Verdict, and if, after having been kept in Deliberation for a Period of Six Hours, Nine of the said Jury shall agree, the Verdict agreed to by such Nine may be returned as the Verdict of the Jury, and shall be taken and shall have the same Force and Effect as if found unanimously by the whole of the said Jury, any Statute to the contrary notwithstanding, and during the said Period they may be furnished with necessary Refreshment by Leave of the Judge.

If Jury unable to agree, and if after Six Hours Nine of the Jury agree, the Verdict of such Nine to be taken.

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CAP. LX.

An Act to amend an Act of the Twelfth and Thirteenth Years of Her present Majesty for the more effectual Prevention of Cruelty to Animals.

[31st *July* 1854.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto,* every Person impounding any Horse, Ass, or other Cattle or Animal was required to supply such Cattle or Animal daily with good and sufficient Food and Nourishment whilst impounded; and by the said Act every such Person who should so find, provide, and supply any such Horse, Ass, or other Cattle or Animal with such daily Food and Nourishment as aforesaid should and might and they were thereby authorized to recover of and from the Owner or Owners of such Cattle or Animal not exceeding double the full Value of the Food and Nourishment so supplied to such Cattle or Animal, by proceeding before any One Justice of the Peace within whose Jurisdiction such 5 & 6 W. 4. c. 59.

Cattle or Animal should have been so impounded and supplied with Food as aforesaid, in like Manner as any Penalty or Forfeiture, or any Damage or Injury might be recovered under and by virtue of any of the Powers or Authorities in the said Act contained, and which Value of the Food and Nourishment so to be supplied as aforesaid such Justice was thereby fully authorized and empowered to ascertain, determine, and enforce as aforesaid; and every Person who should have so supplied such Food and Nourishment as aforesaid should be at liberty, if he should so think fit, instead of proceeding for the Recovery of the Value thereof as last aforesaid, after the Expiration of Seven clear Days from the Time of impounding the same, to sell any such Horse, Ass, or other Cattle or Animal openly at any public Market (after having given Three Days public printed Notice thereof) for the most Money that could be got for the same, and to apply the Produce in discharge of the Value of such Food and Nourishment so supplied as aforesaid and the Expenses of and attending such Sale, rendering the Overplus (if any) to the Owner of such Cattle or Animal; and any such Persons as aforesaid neglecting or refusing to supply such Cattle or Animal with such Food as aforesaid were made liable to certain Penalties: And whereas by an Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of Her present Majesty, intituled *An Act for the more effectual Prevention of Cruelty to Animals*, the said first-recited Act and a certain other Act extending the Provisions of the same to *Ireland* were repealed; and by the said Act of the Twelfth and Thirteenth Years of Her Majesty it was enacted, that every Person who should impound or confine, or cause to be impounded or confined, in any Pound or Receptacle of the like Nature, any Animal, should provide and supply during such Confinement a sufficient Quantity of fit and wholesome Food and Water to such Animal, and every such Person who should refuse or neglect to provide and supply such Animal with such Food and Water as aforesaid should, for every such Offence, forfeit and pay a Penalty of Twenty Shillings; and Power is thereby given in case of Neglect for a certain Time to supply such Food and Water for any Person to supply the same, and the reasonable Cost of such Food and Water is to be paid by the Owner of such Animal before such Animal is removed to the Person who shall supply the same, and the said Costs may be recovered in like Manner as therein provided for the Recovery of Penalties under the said Act: And whereas it is doubtful whether the last-recited Act gives any Remedy to the Person impounding for the Recovery of a Compensation for the Food and Water provided for any Animal, and no Power is given to sell the Animal, although full Provisions for those Purposes were contained in the said first-recited Act: Be it therefore enacted by the Queen's

12 & 13 Vict. c. 92.

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Person who since the passing of the said Act of the Twelfth and Thirteenth Years of Her Majesty has impounded or confined, or hereafter shall impound or confine as in the said Act mentioned, any Animal, and has provided and supplied or shall hereafter provide and supply such Animal with Food and Water as therein mentioned, shall and may and he is hereby authorized to recover of and from the Owner or Owners of such Animal not exceeding double the Value of the Food and Water so already or hereafter to be supplied to such Animal, in like Manner as is by the said last-mentioned Act provided for the Recovery of Penalties under the same Act; and every Person who has supplied or shall hereafter supply such Food and Water shall be at liberty, if he shall so think fit, instead of proceeding for the Recovery of the Value thereof as last aforesaid, after the Expiration of Seven clear Days from the Time of impounding the same to sell any such Animal openly at any public Market (after having given Three Days public printed Notice thereof) for the most Money that can be got for the same, and to apply the Produce in discharge of the Value of such Food and Water so supplied as aforesaid and the Expenses of and attending such Sale, rendering the Overplus (if any) to the Owner of such Animal.

All Persons who have impounded Animals, and provided Food, &c. since passing of 12 & 13 Vict. c. 92., or shall hereafter impound, &c. may recover Expenses.

Power to sell Animals, &c. after being impounded Seven Days.

II. And whereas by an Act passed in the Second and Third Years of Her present Majesty it was enacted, under a Penalty, that Dogs should not be used for the Purposes of Draught within the Metropolitan Police District, and it is desirable that such Enactment should be extended to all Parts of the United Kingdom: Be it enacted; That any Person who shall, from and after the First Day of *January* One thousand eight hundred and fifty-five, on any public Highway in any Part of the United Kingdom, use any Dog for the Purpose of drawing or helping to draw any Cart, Carriage, Truck, or Barrow, shall forfeit and pay a Penalty not exceeding Forty Shillings for the First Offence, and not exceeding Five Pounds for the Second and every subsequent Offence, such Penalties to be recovered in like Manner as is provided for the Recovery of Penalties under the Act of the Twelfth and Thirteenth Years of Her said Majesty.

Provision of 2 & 3 Vict. c. 47. as to the using of Dogs for Purposes of Draught within the Metropolitan District extended to all Parts of the United Kingdom.

III. The Words and Expressions to which a Meaning is affixed by the said Act of the Twelfth and Thirteenth Years of Her Majesty, and which are introduced into this Act, shall have the same Meaning in this

Interpretation of Terms.

this Act, and the Word Animal shall in the said Act and in this Act mean any domestic Animal, whether of the Kind or Species particularly enumerated in Clause Twenty-nine of the said Act, or of any other Kind or Species whatever, and whether a Quadruped or not.

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CAP. LXI.

An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in enlarging and improving the Royal Military Asylum. [31*st July* 1854.]

WHEREAS by the Act of the Second Year of His late Majesty King *William* the Fourth, for consolidating and amending the Laws relating to the Payment of Army Prize Money, the Commissioners of the Royal Hospital at *Chelsea* were authorized from Time to Time to appropriate such Sums of Money, forming a Part of the Prize Money then already forfeited or unclaimed, or thereafter to become forfeited or unclaimed, as they might think expedient and proper, to the general Service and Expenses of the said Royal Hospital, or relating thereto: And whereas a Sum of Sixty-seven thousand eight hundred and eighty-four Pounds Thirteen Shillings and Twopence Three Pounds *per Centum* Consolidated Bank Annuities, arisen from forfeited and unclaimed Shares of Army Prize Money, is now standing in the Books of the Governor and Company of the Bank of *England*, to an Account intituled "The Stock Account of "the Paymaster General and Secretary-at-War, as Trustees for the "Army Prize Fund:" And whereas the Royal Military Asylum at *Chelsea* for the Reception of the Children of Soldiers requires to be

enlarged for the Reception of an additional Number of Children, and it is expedient that a Part of the said Annuities should be applied in making such Enlargement and in improving the Buildings of the said Asylum: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Paymaster General and Secretary-at-War, or in case of the Vacancy of the Office of either of them then the other of them, shall, by Sale of a sufficient Part of the said Sum of Sixty-seven thousand eight hundred and eighty-four Pounds Thirteen Shillings and Twopence Consolidated Bank Annuities, raise such Sum or Sums, not exceeding in the whole the Sum of Ten thousand Pounds, as the Commissioners of Her Majesty's Treasury shall by Warrant under their Hands direct, and pay or cause to be paid such Sum or Sums to the Governor and Company of the Bank of *England*, to the Credit of Her Majesty's Paymaster General, and such Sum or Sums shall be placed to such Account as the Commissioners of Works and Buildings shall direct, and shall be applied by such Commissioners in such Manner as they, with the Approbation of the said Commissioners of Her Majesty's Treasury, shall think fit, in enlarging, altering, repairing, and improving the Buildings of the Royal Military Asylum.

Part of forfeited and unclaimed Army Prize Fund may be applied in enlarging and improving Royal Military Asylum.

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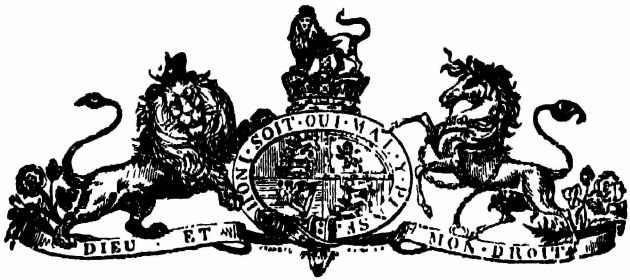

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VICTORIÆ REGINÆ.

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CAP. LXII.

An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission, and Extinction of Heritable Securities in *Scotland*. [31*st July* 1854.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in* Scotland; and another Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in* Scotland, *and to render the same more effectual for the Recovery of Debt*, by which last-recited Act it is made competent to insert in Bonds and Dispositions in Security certain short Clauses set forth in the Schedule to the said Act annexed, or any of them; and it is expedient to extend the Benefits of the said Acts, and to make further Provision with a view to the Objects thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

8 & 9 Vict. c. 31.

10 & 11 Vict. c. 50.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of recited Acts to apply to all Heritable Securities, as well as to Bonds and Dispositions in Security.

I. The whole Provisions and Enactments of the recited Acts shall be taken to apply and shall apply to all Heritable Bonds, and to all Deeds which, according to the existing Law and Practice, require to be followed by Infeftment in order to constitute a Security over Lands or the Rents or Profits thereof, as well as to Bonds and Dispositions in Security in the Form in the Schedule annexed to the said last-recited Act, unless in so far as such Provisions or Enactments are inapplicable to the Form or Objects of such Bonds or Deeds respectively.

Assignations, &c. may be registered for Preservation.

II. It shall be competent to insert in Assignations, Writs of Acknowledgment, and Notarial Instruments, made and granted in Terms of the recited Acts or either of them, a Clause for the Registration thereof, in the Form of the Clause of Registration contained in the Schedule annexed to the said last-recited Act; and such Clause shall be a sufficient Warrant to the Keeper of any competent Register of Deeds to receive and record the said Writings therein for Preservation.

Unregistered Assignation to be available to Heir of Grantee.

III. Where any Assignation granted in Terms of the recited Acts or either of them shall not have been or may not be registered in the Lifetime of the Grantee, such Assignation shall, notwithstanding, be as full and sufficient Warrant of Sasine in favour of the Party having Right thereto by Service or otherwise as if it had been a Disposition and Assignation including a Precept of Sasine in the ordinary Form in use prior to the passing of the recited Acts or either of them, and Infeftment being passed upon the same in the Form or as nearly as may be in the Form prescribed by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to simplify the Form and diminish the Expense of obtaining Infeftment in Heritable Property in* Scotland, and duly recorded, shall be to all Intents and Purposes good and valid Infeftment in favour of the Party so infeft.

8 & 9 Vict. c. 35.

Existing Forms of Security still to be competent.

IV. Nothing herein contained shall prevent the granting or expeding of Deeds affecting Heritable Subjects, or the Constitution, Transmission, or Extinction of Heritable Securities, in the Forms competent and in use at the passing of this Act.

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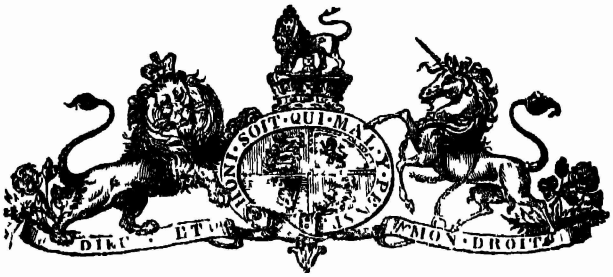

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VICTORIÆ REGINÆ.

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tificate to be filed of Record in the said Court of Common Pleas: And whereas it is apprehended that Deeds executed by Married Women under the Provisions of the said Act may be liable to be invalidated by the Circumstance that the Judge, or Master in Chancery, or One or both of the Commissioners, taking the Acknowledgment, may be or may have been interested or concerned, either as a Party or otherwise, in the Transaction giving Occasion for such Acknowledgment, and it is not expedient that Deeds executed in good Faith under such Circumstances should be invalidated: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acknowledgment of Deed not impeachable by reason only of Party before whom same was taken being interested.

I. No Deed which has been acknowledged or which shall hereafter be acknowledged by a Married Woman before a Judge of One of the Superior Courts of *Westminster*, or a Master in Chancery, or before Two of the Perpetual Commissioners or Two Special Commissioners appointed as by the said Act is required, shall be impeached or impeachable at any Time after the Certificate of such Acknowledgment has been filed of Record in the Court of Common Pleas at *Westminster*, by reason only that such Judge or Master in Chancery, or such Commissioners, or either of them, was or were interested or concerned, either as a Party or Parties, or as Attorney or Solicitor or Clerk to the Attorney or Solicitor of one of the Parties, or otherwise, in the Transaction giving Occasion for such Acknowledgment.

Staying Proceedings for quashing Certificate of Acknowledgment.

II. Provided, That if any Proceeding instituted before the Thirteenth Day of *July* One thousand eight hundred and fifty-four in the said Court of Common Pleas, for the Purpose of quashing or taking off the File of Records of the said Court any Certificate of an Acknowledgment of a Deed by a Married Woman, on the Ground that such Judge or Master in Chancery, or either of such Commissioners, was interested or concerned as aforesaid, shall be pending at the passing of this Act, it shall be lawful for the said Court to proceed with and dispose of the same as if this Act had not passed, except that if the said Court shall be satisfied that any Person or Persons acting *bonâ fide* has or have been induced by the Terms of the Orders made by the said Court in *Hilary* Term One thousand eight hundred and thirty-four to acknowledge, or to accept a Title depending on the Acknowledgment of, any Deed or Deeds before Commissioners, One of whom may have been interested or concerned as aforesaid, the said Court may refuse to permit the Certificate to be quashed or taken off the File on such Terms as to the Payment of Costs and Expenses as the said Court shall think fit to make.

III. The

Acknowledgment of Deeds by Married Women.

III. The Court of Common Pleas may from Time to Time make any Rules which to them may seem fit for preventing any Commissioners interested or concerned as aforesaid from taking any Acknowledgment under the said recited Act, anything herein contained to the contrary notwithstanding, so nevertheless that no such Rule shall make invalid any Acknowledgment after the Certificate shall have been filed of Record as aforesaid.

Court of Common Pleas may make Rules for preventing Commissioners who are interested from taking Acknowledgments.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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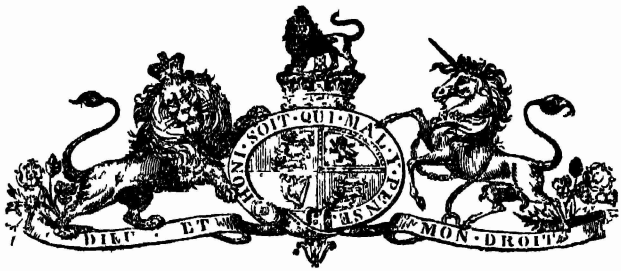

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXVI.

An Act for the Formation, Regulation, and Government of Convict Prisons in *Ireland*.

[7th *August* 1854.]

WHEREAS it is expedient to amend the Laws now in force relating to Convict Prisons and Hulks, and to establish Rules and Regulations for the Government of Prisons or Hulks set apart for the Reception of Prisoners under Rule or Order of Transportation or of Penal Servitude, in *Ireland*: And whereas it is expedient that all the Powers relating to Convict Depôts, Hulks, or Prisoners under Rule or Order of Transportation, set forth in the Act passed in the Seventh Year of His Majesty King *George* the Fourth, Chapter Seventy-four, or any other Act, should be vested in Directors to be appointed as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. So much of the Act passed in the Seventh Year of His Majesty King *George* the Fourth, Chapter Seventy-four, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, as relates to Hulks, Penitentiaries, or Convict Depôts, or to the Classification, Government, and Inspection of the Prisoners confined therein, or to the supplying of Clothing for any Prisoners under Rule or Order of Transportation by the local Inspector of any Gaol, shall be and they are hereby repealed.

So much of 7 G. 4. c. 74. as relates to Hulks, &c. repealed.

II. It

Power to Lord Lieutenant to set apart Places, &c. for Convict Prisons.

II. It shall and may be lawful for the Lord Lieutenant, by Warrant to be published in the *Dublin Gazette*, to set apart and appoint Places of Confinement either at Land or on board Vessels to be provided for that Purpose for Prisoners under Sentence or Order of Transportation or of Penal Servitude; and all such Places of Confinement so set apart and appointed, and all Yards, Offices, Grounds, and Premises thereunto pertaining, shall be held to be and considered "Convict Prisons."

Convict Prisons to be free from all Rates, Taxes, &c.

III. All Convict Prisons now established or hereafter to be established, and all Lands, Buildings, Tenements, and Hereditaments thereunto belonging, with the Appurtenances thereof, and all Persons in respect thereof, shall be wholly freed and discharged from all Taxes, Rates, Assessments, and public Charges whatsoever.

Lord Lieutenant to appoint Directors of Convict Prisons.

IV. It shall and may be lawful for the Lord Lieutenant to appoint not more than Three Persons to be Directors of the said Convict Prisons, with such Salaries as the Commissioners of Her Majesty's Treasury shall approve, and the said Directors shall, subject to the Directions which they may from Time to Time receive from the Chief Secretary to the Lord Lieutenant, have the Control and Management of all the said Convict Prisons, and of all Prisoners confined therein; and it shall and may be lawful for the Lord Lieutenant to appoint One of such Persons to be Chairman of such Directors, and One of them, or One other Person, to act as Secretary and Accountant, and from Time to Time to remove any of such Persons to be so appointed, and to appoint another or others in his or their Stead; and the said Directors shall be One Body Politic and Corporate, by the Name of the "Directors of Convict Prisons for *Ireland*," and by that Name have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power and Authority to take and purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, or any other Act or Acts amending the same.

Directors empowered to contract for Diet, Clothing, and Manufactures for Convict Prisons.

V. The said Directors of Prisons shall have Power to make Contracts with any Persons whosoever for the Clothing, Diet, and other Necessaries, for the Maintenance and Support of the Convicts confined in Convict Prisons in *Ireland*, and for the Implements and Materials for any kind of Manufacture, Trade, or Works in which Convicts confined in such Prisons shall be employed, and also to carry on such Manufacture, Trade, or Works in such Prisons, and to sell such Goods, Wares, and Merchandise as shall be there wrought or manufactured, and also to carry on any Works in any Place outside such Prisons, where the Chief Secretary shall direct.

VI. The

VI. The said Directors of Prisons shall, on or before the Tenth Day of *March* in each Year, and oftener if required by the Chief Secretary, make a Report in Writing under their Hands to the Chief Secretary, specifying the State of the Buildings, the Behaviour and Conduct of the Officers of the several Convict Prisons, and of the Convicts, the Amount of the Earnings of the Convicts, and the Expense of all such Convict Prisons, the Rules and Regulations made by them, and such other Matters relating to the Discipline and Management of such Prisons as the said Directors shall deem expedient, or as the said Chief Secretary shall direct; and every such Report shall be laid before both Houses of Parliament within One Calendar Month next after the Receipt thereof, if Parliament be then sitting, or if not, then within One Calendar Month after the then next meeting of Parliament.

Directors to report to Chief Secretary and to Parliament annually.

VII. It shall and may be lawful for the Lord Lieutenant to appoint for each Convict Prison in *Ireland* a Governor, Chaplain or Chaplains, a Medical Officer or Medical Officers, and such other Officers and Servants as shall be deemed to be necessary for the Service and Discipline of such Prison, and to remove all or any of them, and to fix the Salaries to be paid to the said Governor, Chaplain or Chaplains, Medical Officer, and all other Officers and Servants so appointed, subject to the Approval of the Commissioners of Her Majesty's Treasury.

Appointment of Officers.

VIII. It shall be lawful for the said Directors of Prisons, if they shall deem it necessary, to require any Person employed in the Convict Service in *Ireland* to give Security for the due Performance of his Duties, in such Sums, and with such collateral Securities, and in such Form as the Lord Lieutenant shall direct.

Directors of Prisons may require Officers to give Security.

IX. If any Person appointed to any Office or Employment in any Convict Prison in *Ireland*, who shall be removed from his Office or Employment, shall refuse or neglect to quit the said Prison, or to give up Possession of any House, Building, or Apartment therein or belonging thereto, within such Period as shall be fixed in any Order or Notice in Writing, to be signed by the Directors of Prisons, not being less than Forty-eight Hours after the Delivery to such Person of any such Order or Notice, then it shall be lawful for any Justice of the Peace acting for the County, in which the Convict Prison is situate, on the Application of any One of the said Directors, by Warrant under the Hand and Seal of such Justice, to direct the Sheriff of the County to remove such Person out of the Prison; and the said Sheriff shall thereupon clear the Possession thereof, so far as relates to any Part of the Prison, or any House, Building, or Apartment therein or belonging thereto, occupied by or in possession of such Person, in like Manner as upon a Writ of Habere facias possessionem.

Power to remove dismissed Officers refusing to give up Possession of Houses, &c.

X. It

Directors to make Rules for Convict Prisons, subject to Approval of Chief Secretary.

X. It shall and may be lawful for the said Directors of Prisons to make and from Time to Time to alter Rules for the Regulation of all Convict Prisons in *Ireland*, and for the Duties and Conduct of the Governors and other Officers of said Prisons, and for the Diet, Clothing, Maintenance, Employment, Instruction, Discipline, and Correction of the Convicts imprisoned therein; provided nevertheless, that no Rule, whether it be original, or any Amendment or Revocation of a former Rule, shall be enforced until it shall have been approved of by the Chief Secretary.

Offenders under Sentence of Transportation or Penal Servitude may be removed from and to Government Prisons.

XI. It shall be lawful for the Chief or Under Secretary to direct the Removal from and to any Convict Prison of any Convict under Sentence or Order of Transportation or Penal Servitude, who shall appear by the Certificate of the Medical Officer of the Gaol to be freed from any putrid or infectious or cutaneous Distemper, and fit to be removed from the Gaol, Prison, or other Place in which such Offender shall be confined; and the Sheriff or Gaoler having the Custody of any Convict whose Removal to a Convict Prison shall be ordered in manner aforesaid shall, when so required to do, deliver up the said Convict to the Constabulary Officer or other Officer or Person who shall produce the said Order so made as aforesaid, together with a Copy, attested by the said Sheriff or Gaoler, of the Sentence and Date of Conviction of such Convict, and also a Return specifying such other Particulars within the Knowledge of the said Sheriff or Gaoler concerning such Convict as may be from Time to Time directed by the Chief or Under Secretary of the Lord Lieutenant: And the said Constabulary Officer or other Officer or Person shall give a Receipt to the said Sheriff or Gaoler for such Convict, and shall thereupon, with all convenient Despatch, convey and deliver up any such Convict, with the said attested Copy and Return, into the Custody of the Governor of the Convict Prison mentioned in the said Order; and the said Governor shall give a Receipt in Writing for every Convict so received into his Custody to such Constabulary Officer or other Officer or Person as his Discharge.

As to Employment of Convicts at Work.

XII. Such Convicts may be employed in Work every Day in the Year, except *Sundays*, *Christmas Day*, *Good Friday*, and any other Day or Days appointed for a General Fast or Thanksgiving, or any Holiday or Holidays as may be fixed and stated in the General Rules to be made by the Directors of Prisons, to be appointed under this Act, for so many Hours, not exceeding Twelve, exclusive of the Time allowed for Meals and Exercises, as the said Directors shall order: Provided always, that the said Directors, by a written Order, may allow any Convict at his own Request to labour for a longer Time than is required by the Rules to be made as aforesaid.

XIII. No

XIII. No Convict who shall have been received into the Custody of the Governor of any such Convict Prison shall be dismissed from the said Prison at the End or other Determination of his Term, if he shall then labour under any acute or dangerous Distemper, unless at his Request, and when such Convict shall be finally discharged such decent Clothing and such Assistance in Money or otherwise as shall be judged proper by the Directors shall be given to such Convict.

As to Discharge of Convicts.

XIV. No Person, except the Judges of Her Majesty's Superior Courts of Law in *Ireland*, the Judges of Assize, the Directors, Officers, and Servants of the Prison, or such other Persons as shall be authorized by the Directors or by the Rules to be made under this Act, shall be allowed at any Time to enter any Part of any Convict Prison, or to converse or hold Communication of any kind with any of the Prisoners.

None but certain Persons to enter Convict Prisons.

XV. After the Delivery of any such Convict as aforesaid into the Custody of the Governor of any Convict Prison, such Governor, or other Person having the Custody of Convicts under his Direction, shall, during the Term for which such Convict shall be ordered to remain in his Custody, have the same Powers over such Convicts, whether within or without the Prison, as are incident to the Office of Sheriff or Gaoler, and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment to which a Gaoler is now liable by Law.

Governor to have the same Power over Prisoners in his Custody as the Sheriff or Gaoler.

XVI. In case any Convict shall be guilty of any repeated Offence against the Rules of the Prison, or shall be guilty of any greater Offence than the Gaoler or Keeper is by this Act empowered to punish, the said Gaoler or Keeper shall forthwith report the same to the Directors, or One of them, for the Time being; and any One such Director shall have Power to inquire upon Oath, and to determine concerning any such Matter so reported to him or them, and to order the Offender to be punished by close Confinement for any Term not exceeding One Month, or by personal Correction.

Directors may order Convicts to be punished by close Confinement, or by personal Correction.

XVII. Every Prisoner who shall be ordered to be detained in any Convict Prison, who at any Time shall break Prison, or who while being conveyed to such Prison shall escape from the Person or Persons having the lawful Custody of such Prisoner, shall be punished by an Addition, not exceeding Two Years, to the Term of his Sentence; and every Prisoner in any Convict Prison who at any Time shall attempt to break Prison, or who shall forcibly break out of his Cell, or make any Breach therein with Intent to escape therefrom, or shall escape or attempt to escape when at work outside the Prison, shall be punished by an Addition, not exceeding One Year, to the Term of his Imprisonment.

Additional Punishment to Convicts escaping, breaking or attempting to break Prison.

Punishment of Persons rescuing or attempting to rescue Convicts.

XVIII. Every Person who shall rescue any Convict who shall be ordered to be imprisoned in any Convict Prison, either during the Time of his Conveyance to or from any Convict Prison or of his Imprisonment therein, and also every Person who shall aid in any such Rescue, shall be guilty of Felony, and every Person having the Custody of any such Convict as aforesaid, or being employed by the Person having such Custody as a Keeper, Underkeeper, Turnkey, Assistant, or Guard, who shall knowingly and willingly allow any such Convict to escape, also every Person who, by supplying Arms, Tools, or Instruments of Disguise, or otherwise, shall in any Manner aid any such Convict in any Escape, though no Escape be actually made, and every Person who shall attempt to rescue any such Convict, or aid in any such Attempt, though no Rescue be actually made, shall be guilty of Felony; and every Person having such Custody as aforesaid who shall carelessly allow any such Convict to escape shall be guilty of a Misdemeanor, and, being lawfully convicted of such Misdemeanor, shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court.

Punishing Officers for furnishing Convicts with prohibited Articles.

XIX. Every Officer or Servant of any Convict Prison, or any other Person or Persons, who shall bring in or carry out, or endeavour to bring in or carry out, or knowingly allow to be brought in or carried out, to or for any Convict, or carry to any Convict while employed outside the Prison Walls, any Money, Clothing, Provisions, Tobacco, Spirits, Letters, Papers, or other Articles whatsoever, not allowed by the Rules of the said Prison, shall, if an Officer or Servant of the Prison, be subject to Dismissal from Office, or, if it be thought fit, such Officer or other Person or Persons shall, upon the Order of any of the Directors of Prisons, be apprehended and carried before a Justice of the Peace, who shall be empowered to hear and determine any such Offence in a summary Way; and every such Officer or Servant, or other Person or Persons, upon Conviction of such Offence before a Justice of the Peace, shall be liable to pay a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justice, to be imprisoned in the Common Gaol or House of Correction, there to be kept, with or without Hard Labour, for any Period not exceeding Six Calendar Months.

Directors may act as Justices of the Peace.

XX. It shall be lawful for the Directors of Prisons, or any of them, and he or they are hereby authorized, in any Prison, either on Land or on board any Vessel, and also in every Place wherein any Offenders under Rule or Order of Sentence of Transportation or Penal Servitude shall be detained, or shall be employed to labour, to act in every respect as a Justice or Justices of the Peace as if he or they had been named in the Commission of the Peace, and had been duly qualified to act as a Justice or Justices of the Peace for the County

or

or Place in which such Place of Confinement or Convict Prison shall be, or any Convict shall be employed to labour.

XXI. Every Person who, upon Examination on Oath or Affirmation before the said Directors of Prisons, or any of them, shall wilfully give false Evidence, shall be liable to the Pains and Penalties of Perjury.

Penalty for false Evidence.

XXII. The Provisions of all Acts of Parliament for rendering Justices of the Peace more safe in the Execution of the Duties of their Office shall extend to the Directors or any of them, and the several Governors or other Officers of Convict Prisons acting in the Execution of this Act.

Protection of the Directors and Officers of Convict Prisons.

XXIII. All Actions, Suits, and Prosecutions to be commenced against any Person or Persons for anything done in pursuance of this Act shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise nor afterwards.

Limitation of Actions

XXIV. Every Convict or other Person who shall commit any Offence mentioned in this Act, or in any way relating to any Convict Prison for which he is not liable to be summarily convicted, may be tried before the Justices of Oyer and Terminer at *Dublin*, or for the County in which the Offender shall be taken and in any Case of any Prosecution for any such Offence, either against a Convict or against any other Person or Persons concerned therein or accessory thereunto, a Copy, properly attested, of the Order of Commitment to such Prison, with Proof that the Person then in question before the Court is the same who was delivered with such Order, and Production of the Register of the said Prison, shall be sufficient Evidence of all the Facts entered in such Register as to such Convict, without the Production of any Record of Conviction or other Proof that such Convict had been convicted of Felony, and legally ordered to be imprisoned in any Convict Prison.

Mode of Trial and Conviction

XXV. From and after the passing of this Act, all Prison Clothing required to be supplied to Convicts on Removal to Convict Prisons from any Gaol or other Place of Confinement in *Ireland* shall be provided by the Directors of Prisons.

Convict Clothing to be furnished by Directors of Prisons.

XXVI. No Governor or other paid Officer of any Convict Prison shall, either in his own Name or in the Name of any other Person, provide, furnish, or supply for his own Profit any Materials, Goods, or Provisions for the Use of any Convict Prison, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in

Officers not to be concerned in Contracts, &c.

in any Contract relating thereto, under Pain of forfeiting the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Dublin*.

Penalty 100*l.*

Clerks of Crown and Peace to furnish Schedule of Convicts.

XXVII. It shall and may be lawful for the respective Clerks of the Crown, and they are hereby required, at each Assizes and General Gaol Delivery in every Town, County of a City, and County of a Town in *Ireland*, and at every Special Commission of Oyer and Terminer and Gaol Delivery therein, and at every Term or Session of the Commission of Oyer and Terminer and Gaol Delivery for the County of *Dublin*, or for the County of the City of *Dublin*, and the respective Clerks of the Peace are also hereby required at each Quarter Sessions to furnish the Commissioners of Prisons with a complete Schedule, duly signed, in the Form to this Act annexed, of the several Prisoners brought to Trial and sentenced to Transportation or to Penal Servitude at such Assizes and General Gaol Delivery, and at such Special Commission, and at each and every Term or Session of the Commission of the County of *Dublin* and of the County of the City of *Dublin* respectively, and at each and every Quarter Session, specifying the particular Crime of which each Prisoner was accused, and stating the Sentence of the Judge on each Trial, and whether the said several Sentences have been executed respectively, or whether the whole or any and what Part or Parts of them have been remitted, and to transmit the same to the said Directors of Prisons within Ten Days after the Termination of the said Assizes, Gaol Delivery, or Quarter Sessions aforesaid, and the Copy of the said Schedule, or all or any Part thereof, duly certified by the Directors of Prisons, shall be deemed to be a Caption, and due and sufficient Evidence of the Order or Rule of Court in respect of any such Prisoner.

Officers of the Convict Prisons to be within the Provisions of the several Superannuation Acts.

XXVIII. The Directors to be appointed by the Lord Lieutenant under this Act, and the Governors, and all inferior Officers whatsoever belonging to Convict Prisons in *Ireland*, shall be within the Provisions of the several Acts passed for regulating Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in Her Majesty's Service, to all Intents and Purposes as if the said Directors, Governors, and Officers of the said several Convict Prisons had been mentioned in the Schedules to the said Acts.

Penalty on Persons trespassing on Grounds, &c. pertaining

XXIX. All Persons who shall be found trespassing upon any Grounds, Buildings, Yards, Offices, or other Premises whatsoever, belonging or pertaining to any Convict Prison, or shall enter the same without being an Officer of the said Prison, or authorized by Leave

by

by any of the Directors of Prisons, or the Governor of the said Convict Prison, shall, upon Conviction thereof before a Justice of the Peace for the County in which any such Convict Prison may be situate, be adjudged to pay a Fine not exceeding for the First Offence Forty Shillings, to be recovered in the usual Way, or in default of Payment then the Offender may be sent to the Common Gaol, with or without Hard Labour, for any Period not exceeding One Month; and for a Second or subsequent Offence the Offender may be fined in any Sum not exceeding Five Pounds, to be recovered in the same usual Way, or in default to be liable to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Calendar Months. to Convict Prisons.

XXX. The Expression "Lord Lieutenant" shall be deemed to extend to and include any Chief Governor or Governors of *Ireland*. "Lord Lieutenant."

SCHEDULE to which this Act refers.

Name.	Age.	Crime.	Sentence.	Date of Conviction.	Before whom tried.	Where tried.	Remarks.

Dated this Day } *A. B.*
of } Clerk of the Crown [*or* Peace] for

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXVII.

An Act to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to *India*, and for vesting certain Powers in the Governor General of *India* in Council.

[7th *August* 1854.]

WHEREAS Doubts may arise as to the Mode of passing Letters Patent and other Acts of the Crown relating to *India* in certain Cases where Her Majesty's Pleasure is to be signified under Her Royal Sign Manual, and it is expedient to remove such Doubts, and to provide an uniform Mode of proceeding in such Cases: And whereas it is expedient to provide for the Administration by the Governor General of *India* in Council of such Parts of the Territories for the Time being under the Government of the *East India* Company as it may not be advisable to include in any Presidency or Lieutenant Governorship, and to vest in such Governor General of *India* in Council the Powers now vested in the Governor of the Presidency of *Fort William* in *Bengal*: Be it enacted and declared, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. When-

Warrants, &c. under Royal Sign Manual relating to India to be countersigned by President of Board of Control.

I. Whenever it shall please Her Majesty to cause Letters Patent to be issued under the Great Seal of the United Kingdom for the Nomination or Appointment of any Person to any Office in *India*, or to any Office relating to the Government thereof, or for any other Purpose whatsoever relating to *India*, the Warrant under Her Majesty's Royal Sign Manual for causing such Letters Patent to be passed under the said Great Seal shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other Person, and shall be sealed with the Privy Seal, for which sealing such Royal Sign Manual so countersigned shall be sufficient Warrant to the Lord Keeper of the Privy Seal, and such Warrant under the Royal Sign Manual, so countersigned and sealed as aforesaid, shall be a sufficient Authority to the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, for passing Letters Patent under such Great Seal, according to the Tenor of the same Warrant; and whenever Her Majesty's Royal Sign Manual is or may be required to any Warrant or Writing for the Appointment or Removal of any Person to or from any Office in *India*, or any Office relating to the Government thereof, or is or may be required to any Warrant or Writing, for the Purpose of signifying Her Majesty's Approbation or Consent to any Appointment or Removal to or from any such Office, or for any other Purpose whatsoever relating to *India*, such Warrant or Writing shall be countersigned by the President of the said Board, and by no other Person; and every such Warrant or Writing as aforesaid under Her Majesty's Royal Sign Manual which may have been heretofore countersigned by such President shall not be deemed to have required any other Counter-signature or Verification.

If Office of President vacant, then by Secretary of State.

II. During any Vacancy in the Office of President of the Board of Commissioners for the Affairs of *India*, any Warrant or Writing required under this Act or otherwise to be countersigned by such President shall be countersigned by One of Her Majesty's Principal Secretaries of State.

The immediate Government of any Part of the Indian Territories may be vested in the Governor General of India in Council.

III. It shall be lawful for the Governor General of *India* in Council, with the Sanction and Approbation of the Court of Directors of the *East India* Company, acting under the Control and Direction of the Board of Commissioners for the Affairs of *India*, from Time to Time, by Proclamation duly published, to take under the immediate Authority and Management of the said Governor General of *India* in Council any Part or Parts of the Territories for the Time being in the Possession or under the Government of the said Company, and thereupon to give all necessary Orders and Directions respecting the Administration of such Part or Parts of the said Territories or otherwise to provide

provide for the Administration thereof: Provided always, that no Law or Regulation in force at any such Time as regards any such Portion of Territory shall be altered or repealed except by Law or Regulation made by the Governor General of *India* in Council.

IV. It shall be lawful for the said Governor General of *India* in Council, with the like Sanction and Approbation, from Time to Time to declare and limit the Extent of the Authority of the Governor in Council, Governor, or Lieutenant Governor of *Bengal*, or of *Agra*, or the North-west Provinces, who is now or may be hereafter appointed.

Governor General may limit the Powers of Governors herein named.

V. All Powers now or at any Time vested in or exercised by the Governor in Council, or Governor of the Presidency of *Fort William* in *Bengal*, or in or by the Governor General of *India* in Council in respect of such Presidency, and which for the Time being shall not have been transferred to the Governor in Council, Governor, or Lieutenant Governor of *Bengal*, or of *Agra*, or the North-west Provinces, shall be vested in and may be exercised by the Governor General of *India* in Council, and the Governor General of *India* shall no longer be the Governor of the said Presidency of *Fort William* in *Bengal*.

Powers of Governor General as Governor of Bengal transferred to the Governor of India in Council.

VI. All Acts of the Governor General of *India*, or of the Governor General of *India* in Council, done before the Commencement of this Act, in respect to the Presidency of *Fort William* in *Bengal*, shall be as good and valid and of the same Force and Effect as if done by the Governor of the said Presidency.

Past Acts declared valid.

VII. In the Construction of this Act "*India*" shall be construed to mean the Territories for the Time being in the Possession and under the Government of the *East India* Company.

Interpretation.

VIII. This Act shall be read and construed as Part of the Act of the last Session of Parliament, Chapter Ninety-five.

Act to be construed with 16 & 17 Vict. c. 95.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LXXVIII.

An Act to appoint Persons to administer Oaths, and to substitute Stamps in lieu of Fees, and for other Purposes, in the High Court of Admiralty of *England*. [7th *August* 1854.]

WHEREAS Doubts have arisen whether the "Commissioners to administer Oaths in Chancery" may lawfully administer Oaths, or take Declarations, Affirmations, or Attestations, in the High Court of Admiralty of *England*: And whereas it is expedient that fit and proper Persons should be forthwith appointed for such Purposes; and it is also expedient to provide for the Collection of the Fees payable in relation to Proceedings in the said Court by means of Stamps to be provided and used for the Purpose: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may for all Purposes be cited as the "Admiralty Court Act, 1854." Short Title.

II. This Act shall come into operation on the First Day of *August* One thousand eight hundred and fifty-four. Commencement of Act.

 III. It

Judge of Admiralty may appoint Solicitors and Notaries to administer Oaths, &c.

III. It shall be lawful for the Judge of the High Court of Admiralty of *England*, and he is hereby empowered, from Time to Time and as and when he may think fit, to appoint any Person practising as a Proctor, Solicitor, or Notary Public in any Part of *England* and *Wales* to administer Oaths and take Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the High Court of Admiralty of *England*; and such Persons shall be styled "Commissioners to administer Oaths in Admiralty," and shall be entitled to charge and take a Fee of One Shilling and Sixpence for every Oath administered by them, and for every Declaration, Affirmation, and Attestation taken by them, subject to any Order of the Judge of the said Court varying or annulling the same.

Commissioner's Appointment to bear a Stamp of One Pound.

IV. The Fiat or Document by which any such Commissioner shall be appointed shall bear a Stamp of One Pound, and it shall not be necessary that any such Appointment should be published in the *London Gazette*.

Personal Answers may be taken without a Commission.

V. It shall not be necessary to sue out any Commission to take the personal Answers of any Party in any Matter, Suit, or Proceeding in the said Court; and any such Answers may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Commission for Examination of Witnesses dispensed with, and Examiners empowered to administer Oaths.

VI. It shall not be necessary to sue out any Commission for the Examination of any Witnesses in any Matter, Suit, or Proceeding in the said Court; and any Examiner appointed by any Order of the said Court shall have the like Power of administering Oaths as Commissioners now have under Commissions issued by the Court for the Examination of Witnesses.

Answers, Affidavits, &c., how to be sworn and taken in England and Wales.

VII. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said High Court of Admiralty shall and may be sworn and taken in *England* and *Wales* before any such Commissioner appointed as aforesaid, or before any Magistrate or Justice of the Peace, or before any Commissioner to administer Oaths in Chancery.

Answers, Affidavits, &c., how to be sworn and taken out of England and Wales.

VIII. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said High Court of Admiralty of *England* shall and may be sworn and taken in *Scotland* or *Ireland*, or the *Isle of Man*, or the Channel Islands, or any of them, or in any Colony,

Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Magistrate, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Island, or Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judge and other Officers of the said High Court of Admiralty shall take Judicial Notice of the Seal or Signature, as the Case may be, of any such Judge, Court, Magistrate, Notary Public, Person, Consul, or Vice Consul attached, appended, or subscribed to any such Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, or the Documents to be used in the said Court.

Penalty for false swearing, &c.

IX. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths and take Declarations, Affirmations, and Attestations, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any Court or Person now by Law authorized to administer Oaths and take Declarations, Affirmations, and Attestations.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act.

X. If any Person shall forge the Signature or the Official Seal of any such Commissioner, Judge, Court, Magistrate, Notary Public, or other Person lawfully authorized to administer Oaths and take Declarations, Affirmations, or Attestations under this Act, or shall tender in Evidence any Answers, Examination, Deposition on Oath, Declaration, Affirmation, Attestation, or other Judicial or Official Document, with a false or counterfeit Signature or Seal of any such Commissioner, Judge, Court, Magistrate, Notary Public, or other Person authorized as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

Power to appoint Persons under special Circumstances to administer Oaths, &c.

XI. The Judge of the High Court of Admiralty of *England* may, whenever it shall appear to him necessary so to do, authorize any Person to administer Oaths and to take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations during the Time such Person shall be on the High Seas, or in any Place not within Her Majesty's Dominions, in or relating to Prize Proceedings in the said

aid Court, and it shall not be necessary to affix any Stamp to the Fiat or Document by which any such Person shall be appointed.

Power of Judge to issue Commissions as heretofore, to administer Oaths, &c.

XII. Nothing herein contained shall abridge or lessen the Power of the Judge of the said High Court of Admiralty of *England* as it now exists to issue Commissions as heretofore, and to appoint fit Persons to administer Oaths, take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, and generally to execute any Commissions, nor shall affect in any Manner the Power of the Judge or Surrogates of the said Court to administer Oaths and take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations as heretofore, in or relating to any Matter, Suit, or Proceeding in the said Court.

Power to Court to proceed by way of Monition.

XIII. In all Cases in which a Party has a Cause or Right of Action in the High Court of Admiralty of *England* against any Ship, or Freight, Goods, or other Effects whatever, it shall not be necessary to the Institution of the Suit for such Person to sue out a Warrant for the Arrest thereof, but it shall be competent to him to proceed by way of Monition, citing the Owner or Owners of such Ship, Freight, Goods, or other Effects to appear and defend the Suit, and upon satisfactory Proof being given that the said Monition has been personally served upon such Owner or Owners, the said Court may proceed to hear and determine the Suit, and may make such Order in the Premises as to it shall seem right.

Her Majesty may by Order in Council vary, alter, or abolish Fees, and provide for their Collection by Stamps.

XIV. Her Majesty may by Order in Council from Time to Time vary, alter, or abolish all or any of the Fees payable in relation to Proceedings in the High Court of Admiralty of *England*, and may substitute One or more Fee or Fees in lieu thereof, and may direct that all or any of such Fees shall, from a Day to be named in such Order and thenceforth, be collected by means of Stamps, to be provided and used in manner herein-after mentioned.

After such Order Fees not to be received in Money, but by means of Stamps.

XV. From and after the Day named in such Order the Fees directed by such Order to be received by Stamps shall not be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable; and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay, and in such Manner and under such Regulations as shall by any Order of the Judge of the said Court be directed, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceeding.

XVI. The

XVI. The Commissioners of Inland Revenue shall from Time to Time and as Occasion shall require give the necessary Directions for carrying the same into effect, and shall provide everything that is requisite for that Purpose, and shall do or cause to be done everything that is necessary for the Receipt and Collection of the Money to be paid for such Stamps, and the said Commissioners shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them in respect of the Sale of such Stamps, and of all Costs, Charges, and Expenses incurred by them, or by their Direction, in carrying the same into effect.

Commissioners of Inland Revenue to give the necessary Directions as to the Stamps, and to keep separate Accounts.

XVII. The Commissioners of Inland Revenue may, if they think it necessary to do so, authorize proper Persons for the Sale and Distribution of all or any of the Stamps to be used under this Act, and may allow to such Persons the usual or customary Discount or Poundage thereon.

Provision for Sale of Stamps.

XVIII. The Commissioners of Inland Revenue shall from Time to Time make such Regulations as they shall think fit for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage (if any) allowed on Stamps of the like Kind.

Commissioners of Inland Revenue may make Regulations as to Allowance for spoiled Stamps.

XIX. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Provisions of former Acts relating to Stamps to be applicable to Stamps under this Act.

XX. No Document which by any Order as aforesaid ought to have had a Stamp impressed thereon or affixed thereto shall be received or filed or be used in relation to any Proceeding in the High Court

No Document to be received or used unless stamped.

Court of Admiralty, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto in the Manner directed by such Order: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has, through Mistake or Inadvertence, been received or filed or used without having such Stamp impressed thereon or affixed thereto, the Judge of the said Court may, if he shall think fit, order that a Stamp, not exceeding in Value Four Times the Amount of such original Stamp, shall be impressed thereon or affixed thereto; and thereupon, when the proper Stamp shall, in compliance with such Order, have been impressed on such Document or affixed thereto, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed.

XXI. If any Officer of the High Court of Admiralty, or other Person, shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or Sum of Money which ought to be collected shall be lost, or the Payment thereof evaded, every such Officer or Person so offending may be dismissed from his Office or Employment by the Judge of the said Court.

Power to Treasury to order Pensions for retiring Officers.

XXII. It shall be lawful for the Commissioners of Her Majesty's Treasury, on the Recommendation of the Judge of the High Court of Admiralty, to order to be paid to any Person now or hereafter holding any Office or Employment in the said Court, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, or shall be desirous of resigning the same, a Superannuation or Allowance; and in ascertaining and awarding the Amount of such Superannuation or Allowance the said Commissioners shall proceed according to the Principles laid down in the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four.

Provisions to extend to Instance, Prize, and other Matters.

XXIII. Except where it shall be otherwise expressed, the Provisions of this Act shall apply to all Instance, Prize, and other Matters, Suits, and Proceedings of which the High Court of Admiralty may legally take cognizance.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LXXIX.

An Act for further regulating the Sale of Beer and other Liquors on the Lord's Day.

[7th *August* 1854.]

WHEREAS the Provisions in force against the Sale of fermented and distilled Liquors on the Morning of the Lord's Day have been found to be attended with great Benefits, and it is important to extend such Provisions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 11 & 12 Vict. c. 49.

I. That it shall not be lawful for any Licensed Victualler or Person licensed to sell Beer by Retail to be drunk on the Premises or not to be drunk on the Premises, or any Person licensed or authorized to sell any fermented or distilled Liquors, or any Person who by reason of the Freedom of the Mystery or Craft of Vintners of the City of *London*, or of any Right or Privilege, shall claim to be entitled to sell Wine by Retail to be drunk or consumed on the Premises, in any Part of *England* or *Wales*, to open or keep open his House for the Sale of or to sell Beer, Wine, Spirits, or any other fermented or distilled Liquor between Half past Two o'Clock and Six o'Clock or after Ten o'Clock in the Afternoon, on *Sunday*, or on *Christmas Day*, or *Good Friday*, or any Day appointed for a Public

Licensed Victuallers, &c. prohibited from opening Houses for Sale of Beer, &c. during certain Hours of Sunday, &c.

Public Fast or Thanksgiving, or before Four o'Clock in the Morning of the Day following such *Sunday*, *Christmas Day*, or *Good Friday*, or such Days of Public Fast and Thanksgiving, except as Refreshments to a *bonâ fide* Traveller or a Lodger therein.

Houses, &c. of public Resort prohibited from being opened for Sale of Liquors, &c. on Sundays, &c.

II. That no Person shall open any House or Place of public Resort for the Sale of fermented or distilled Liquors, or sell therein such Liquors, in any Part of *England* or *Wales* between Half past Two o'Clock and Six o'Clock or after Ten o'Clock in the Afternoon, on *Sunday*, or on *Christmas Day* or *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, or before Four o'Clock in the Morning of the Day following such *Sundays*, *Christmas Day*, or *Good Friday*, or such Days of Public Fast and Thanksgiving, except as Refreshment for Travellers.

Power to Constables to enter Houses, &c.

III. That it shall be lawful for any Constable at any Time to enter into any House or Place of public Resort for the Sale of Beer, Wine, Spirits, or other fermented or distilled Liquor or Liquors; and every Person who shall refuse to admit or shall not admit such Constable into such House or Place shall be deemed guilty of an Offence against this Act.

Penalty for Offences against this Act.

IV. That every Person who shall offend against this Act shall be liable, upon a summary Conviction for the same before any Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where the Offence shall be committed, to a Penalty not exceeding Five Pounds for every such Offence, and every separate Sale shall be deemed a separate Offence.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

December One thousand eight hundred and fifty-four, in the same Manner as if this Act had not been passed: Provided also, that all existing Registers of Births, Deaths, and Marriages, including all such Entries as may be made as aforesaid, and all Extracts and Certificates from such Registers, shall be and remain of the same legal Force and Effect in all respects as if this Act had not been passed.

Her Majesty may provide an Office, and appoint a Registrar General.

II. On and after the passing of this Act it shall be lawful for Her Majesty to provide a proper Office in the General Register House at *Edinburgh*, to be called "The General Registry Office of Births, Deaths, and Marriages," in which shall be kept and preserved a Register of all Births, Deaths, and Marriages in *Scotland*, and to appoint, under the Seal appointed to be used in *Scotland* in place of the Great Seal thereof, the Person for the Time being holding the Office of the Deputy of the Lord Clerk Register of *Scotland* to be Registrar General of Births, Deaths, and Marriages in *Scotland*; and such Registrar General shall be paid, in addition to whatever Salary he may enjoy as Deputy Clerk Register, a Salary not exceeding Four hundred Pounds *per Annum*.

The Registrar General may appoint a Secretary.

III. It shall be lawful for the Registrar General, with the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to appoint a Secretary, who may act in his Absence with all the Powers and in the Discharge of all the Duties hereby given to or imposed upon the Registrar General; and such Secretary shall be paid a Salary not exceeding Three hundred Pounds *per Annum*.

Appointment of Clerks and other Officers.

IV. It shall be lawful for the Registrar General, with the Approbation of the said Commissioners of Her Majesty's Treasury, to appoint such Clerks, Officers, and Servants as shall be deemed necessary to carry on the Business of the General Registry Office, and at pleasure, with the like Approbation, to remove them or any of them, and, with the like Approbation, to fix the Salaries of such Clerks, Officers, and Servants, according to the Duties and Services which they may have respectively to perform.

Expenses of Registry Office and Books, &c., how to be provided.

V. The Salary of the Registrar General and Secretary, and all the Expenses of the General Registry Office, including the Expenses of Clerks, Officers, and Servants, and of Books and Stationery, and of making and copying Indexes and Inventories, and in relation to Sessional Registers or private Burial Registers, and all Expenses incurred from Time to Time in the Publication and Transmission of Notices in pursuance of this Act, or otherwise, under the Directions and by the Authority of the Registrar General, or of the

the Sheriff, and all other Expenses connected with the Business of the said Office not herein otherwise provided for, shall be paid by the said Commissioners of Her Majesty's Treasury out of any Monies to be hereafter voted by Parliament for that Purpose.

Regulations for Management of Office and Duties of Officers to be framed.

VI. One of Her Majesty's Principal Secretaries of State, or the Registrar General with the Approbation of such Principal Secretary, shall and may from Time to Time make Regulations for the Management of the General Registry Office, and for the Discharge of the Duties of the Registrar General, Clerks, Officers, and Servants of the said Office, and of the Registrars and Assistant Registrars herein mentioned, so that such Regulations be not contrary to the Provisions of this Act; and the Regulations so made and approved shall be binding on the Registrar General and Secretary, and the Clerks, Officers, and Servants, and on the Registrars and Assistant Registrars; and a Copy of all such Regulations shall be laid before both Houses of Parliament within Six Weeks after the same are approved of, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Abstract of Registers to be laid annually before Parliament.

VII. The Registrar General shall transmit once in every Year to Her Majesty's Secretary of State for the Home Department a General Abstract of the Numbers of Births, Deaths, and Marriages registered during the foregoing Year, in such Form and at such Date as such Secretary shall from Time to Time prescribe; and every such annual General Abstract shall be laid before Parliament within One Month after Receipt thereof, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Registrar for each Parish to be elected by the Parochial Board.

VIII. A Registrar of Births, Deaths, and Marriages shall be elected in manner herein-after provided by the Parochial Board of each Parish, (including the several Parishes erected or to be erected under the Provisions of an Act passed in the Seventh and Eighth Year of the Reign of Her present Majesty, Chapter Forty-four,) not being a Burgh or Part of a Burgh, appointed and acting under an Act passed in the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Eighty-three, and such Parochial Board shall be the Judges of the Qualification of Persons to be elected to the Office of Registrar: Provided always, that any Session Clerk who is in Office at the Date of the passing of this Act shall be the Registrar under this Act for the Parish of which he is Session Clerk, unless it shall be proved to the Sheriff that he is unfit for the Office of Registrar, or that the Duties he has to discharge are incompatible with such Office.

Meetings of Parochial Board to be

IX. The Meetings of the Parochial Board in any such Parish for the Trial of the Qualifications and the Election of a Registrar shall be called

called by the Inspector of the Poor.

called by the Inspector of the Poor acting under the said Act, by the Direction either of the Sheriff or of the Parochial Board, in such and the like Manner as the ordinary Meetings of the Parochial Board are called under the said Act, and such Meetings shall be called and held forthwith after the passing of this Act; and such Inspector shall, within Six Days after a Vacancy in the Office of Registrar of the Parish of which he is Inspector shall become known to him, apply to the Sheriff or the Parochial Board to appoint a Time and Place for a Meeting of the Parochial Board for the Purpose of electing a Registrar to supply such Vacancy; and in case there shall happen to be no Inspector for the Time, the Chairman of the Parochial Board shall make such Application to the Sheriff, or shall himself appoint a Time and Place for such Meeting: Provided, that if the Vacancy be caused by the Death of a Registrar who was a Schoolmaster, it shall be competent to the Sheriff, or, with the Consent of the Sheriff, to the Parochial Board, or Chairman calling the Meeting, to postpone the Election, for any Period not exceeding Four Months, until the Election of the Successor of such Schoolmaster.

Parishes may be divided or united.

X. If it shall at any Time appear to the Sheriff that it is desirable that any Parish should be divided, or that Two or more Parishes or Portions of Parishes should be united into One District, the Sheriff may divide such Parish or unite such Parishes or Portions of Parishes into One or more Districts as he shall think fit, and each such District shall be held to be and be a separate Parish for the Purposes of this Act; and the Sheriff shall fix the distinctive Name by which each such District shall be called for the Purposes of this Act; and a written or printed Notice of such Division or Union, setting forth such distinctive Names, shall be affixed on the Doors of all the known Places of Public Worship within the Parish or Parishes thereby affected for Three consecutive Weeks before such Division or Union shall come into operation, and be published Twice a Week for Three consecutive Weeks in Two Newspapers published or usually circulated in the Parishes or in the County in which the same are situated: Provided always, that any Session Clerk who, under the Provisions of this Act, would be entitled to be Registrar of any Parish, shall be the Registrar of such One of the said Districts as shall be appointed by the Sheriff.

Sheriff may annex small Portion of a Parish to the Parish adjoining.

XI. It shall be lawful for the Sheriff, if he shall deem it expedient, in order to avoid any Doubt as to the Boundary of a Parish or otherwise, to annex, for the Purposes of this Act, any small Portion of a Parish to an adjoining Parish: Provided always, that any Charges payable out of the Parochial Funds for Registrations in respect of such Portion so annexed shall be payable and paid by the Parish from which such Portion is detached to the Parish to which the same

is

is annexed: Provided also, that the Parochial Board of the Parish from which such Portion is taken shall have no Voice in the Election of the Registrar of the Parish to which the same is annexed.

Election of Registrar by Parochial Board.

XII. At the Time when this Act shall come into operation, and at any Time thereafter when there shall be a Vacancy in the Office of Registrar, the Parochial Board shall, subject to the Provisions hereinbefore contained, by a Majority of the Votes of the Members present at a Meeting specially called for the Purpose, elect the Registrar of the Parish or District; and in case any Dispute or Difference shall arise as to the voting or Majority of Votes at such Election, or any other Proceedings connected therewith, the same shall be settled summarily by the Sheriff on hearing verbally the Parties or their Agents; and in all Cases of temporary Vacancy of the Office of Registrar, by Death or otherwise, the Sheriff shall appoint an Interim Registrar, who shall, during the Time he shall act, have the like Powers and be bound to discharge the like Duties as the Registrar; and in all Cases of the Election or Appointment of a Registrar or Interim Registrar, such Election or Appointment shall, within Ten Days thereof, be intimated in Writing to the Registrar General by the Parochial Board or the Sheriff, as the Case may be.

Where there is no Parochial Board Heritors may appoint the Registrar.

XIII. In case there shall not be a Parochial Board acting under the said Act in any Parish or District at the Time when this Act shall come into operation, or at any Time thereafter, in which it is necessary to elect a Registrar under this Act, the Heritors shall, subject to the Approbation of the Sheriff, appoint a Registrar therein.

Registrar may appoint Assistant.

XIV. It shall be lawful for every Registrar, with the Approbation of the Parochial Board, or where there is no Parochial Board with the Approbation of the Sheriff, to appoint, by a Writing under his Hand, a fit Person, for whom he shall be responsible, to be his Assistant in case of his Illness or unavoidable Absence, or otherwise ceasing to hold his Office, until the Appointment of another Registrar, and also to act in all Cases where such Assistant may be authorized or required so to do by any Regulation to be made in virtue of this Act, and it shall also be lawful for such Registrar, with the like Approbation, to dismiss such Assistant; and the Entries made in the Registers of Births, Deaths, and Marriages herein-after mentioned, and Extracts made therefrom, and the Duties performed by such Assistant Registrar, shall be of the like Force and Effect as if made or performed by the Registrar: Provided always, that each Folio or Page of such Registers on which any Entry shall be made shall be signed by the Registrar, and every such Entry shall be authenticated by him, by affixing his Initials thereto, unless where the Registrar shall by Indisposition or other sufficient Cause be unable to act, in which Case such Assistant shall sign and authenticate such Registers, and the Entries therein.

Registrars not to acquire vested Rights in their Offices, and to be subject to Removal.

XV. No Registrar shall acquire any vested Right in or to his Office by virtue of his Appointment; and in case any Registrar shall fail or neglect or refuse to discharge the Duties of his Office, or shall be unfit or incompetent to discharge such Duties, it shall be lawful for the Parochial Board to make Application to the Sheriff for his Removal from his Office of Registrar, and the Sheriff shall thereupon hear Parties, and take such Proceedings in reference to such Application as he shall think fit; and if the Sheriff shall be of opinion that such Registrar has failed or neglected or refused to discharge the Duties of his Office, or is unfit or incompetent to discharge such Duties, the Sheriff shall remove such Registrar from his Office of Registrar, and shall direct Notice of such Removal to be forthwith sent to the Parochial Board, and to be published in the Parish of which he was the Registrar, in such Manner as the Sheriff shall direct; and such Registrar shall, from and after such Publication, cease to hold his Office under this Act, and shall be incapable of being reappointed thereto, and the Parochial Board shall, in manner herein provided, elect a Registrar to supply the Vacancy caused by such Removal; and the Judgment of the Sheriff in all such Cases shall be final, and not subject to Review in any Court or by any Process whatsoever.

Appointments to be exempt from Stamp Duty.

XVI. The Appointments of the Registrar General, and Secretary, and of the several Registrars and Assistant Registrars under this Act, and the certified Copies of Registers, Extracts, and Certificates herein mentioned, shall be exempt from all Stamp Duties.

Fees payable to Registrar.

XVII. The Registrar shall be entitled to demand, in respect of Registration and the other Duties required to be performed by him under the Provisions of this Act, the several Fees herein authorized to be taken, and shall keep a correct Account of all Sums received by him in virtue of this Act in the course of each Year, and shall, within Ten Days after the Thirty-first Day of *July* yearly, deliver or transmit a Copy of such Account up to the said Thirty-first Day of *July*, authenticated by him, to the Sheriff, to be preserved in the Sheriff Clerk's Office, and to be furnished by the Sheriff to the Registrar General, and, if required, to One of Her Majesty's Principal Secretaries of State.

Existing Registers, &c. previous to 1820 to be transmitted to the Registrar General, and subsequent Registers, &c. to be

XVIII. All existing Parochial Registers, Minutes, and Documents of every Description relating to the Registration of Births, Deaths, and Marriages which shall have been kept in every Parish prior to the First Day of *January* One thousand eight hundred and fifty-five shall, as far as regards such Registers, Minutes, and Documents made and entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation in the General Registry Office at *Edinburgh*, and

and as far as regards such Registers, Minutes, and Documents from the Year One thousand eight hundred and twenty, inclusive, to the said First Day of *January* One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person who shall be appointed Registrar of the Parish under this Act; and where any Parish shall be divided, such last-mentioned Registers, Minutes, and Documents shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers, Minutes, and Documents are at the Time of the Division; and the Registrar to whom such Registers, Minutes, and Documents shall be so delivered shall, if required by the Registrar General, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory and a General Abstract of each such Index shall be transmitted by him to the Registrar General, for Preservation in the General Registry Office; and the Registers, Minutes, and Documents, from the Year One thousand eight hundred and twenty to the said First Day of *January* One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of *January*, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation as aforesaid; and all such Registers, Minutes, and Documents, and the original Inventories, Indexes, and General Abstracts, and the authenticated Copies thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies of Entries taken therefrom, at all reasonable Times, by any Person, upon Payment of the Fees authorized to be taken for the like Searches and Copies made in or taken from the Registers and Indexes appointed to be kept under this Act.

delivered up to the Registrars.

XIX. Provided always, That if in the Registers kept in any Parish prior to the First Day of *January* One thousand eight hundred and fifty-five there shall be Entries of Births, Deaths, and Marriages intermixed with Entries or Records relating to Sessional or other Matters, it shall be lawful for the Sheriff to direct either that Copies of the Entries of Births, Deaths, and Marriages shall be made and delivered to the Registrar of the Parish for the Purposes and under the Provisions of this Act, so that the existing Register may remain in the Custody in which it then is, or that Copies of the Entries or Records relating to such Sessional or other Matters shall be made and delivered over to the Parties interested therein, and the existing Register be delivered to the Registrar of the Parish; and in either Case such Copies shall be examined by the Sheriff and the Registrar, and authenticated by the Sheriff.

Provision as to Sessional Registers.

XX. And

Provision as to Burial Registers.

XX. And whereas Registers are kept at various Burial Grounds and Cemeteries which are private Property and maintained at private Expense, and are necessary towards the Protection of the Rights of the Owners thereof, such Registers shall, upon Proof to the Satisfaction of the Sheriff to the above Effect, remain with the Proprietors thereof: Provided, that correct Copies of all such Registers in use on the Thirty-first Day of *December* One thousand eight hundred and fifty-four shall be prepared and authenticated at the Sight of the Sheriff, who shall certify the same, and shall be delivered to the Registrar of the Parish wherein such Burial Ground or Cemetery is situated; but nothing herein contained shall, after the said Thirty-first Day of *December*, relieve any such Proprietors from the Necessity of registering Deaths in the Parochial Registers under the Provisions of this Act.

The Sheriff to superintend Regis-

XXI. The Sheriff of each County shall have the Control and Superintendence of the Registrars of the several Parishes and Districts within such County: Provided, that where a Parish shall be situated in more Counties than one, such Parish shall, for the Purposes of this Act, be held to be within the County in which the Parish Church is situated.

Register Boxes to be provided.

XXII. The Registrar General shall furnish to the Registrar of every Parish a strong Iron Box, to hold the Registers, Copies of Registers, and all other Records, Papers, or Documents connected with such Registers, in the Custody of the Registrar, and every such Box for each Registrar shall be furnished with a Lock and Two Keys, and no more, and One of such Keys shall be kept by the Registrar, and the other Key shall be kept by the Sheriff; and the Register Books of each Parish, while in the Custody of the Registrar, and not in use, shall be always kept in the Register Box, which shall always be left locked; and where, from the Number of Register Books, such Boxes may not be sufficient to contain the same, such Register Books shall be deposited and kept in Fireproof Places approved of by the Sheriff, which shall be kept locked as such Boxes are hereby required to be.

Books and Forms to be provided.

XXIII. Upon the Application of the Registrar General, there shall be furnished to him from Time to Time, from Her Majesty's Stationery Office, all such Stationery, Books, Certificates, Schedules, Notices, and Forms as shall be necessary in the Execution of this Act, and as the Registrar General shall require and direct, and the Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be known and registered of Births, Deaths, and Marriages respectively, and every Page of each Book shall be numbered progressively by printed Numbers from the Beginning to the End of the Book, beginning with Number One; and each such Page shall be ruled and filled

filled up according to the Form given in the Three several Schedules (A.), (B.), and (C.) hereunto annexed, and each separate Entry shall be numbered at the Beginning thereof with successive Numbers, beginning with Number One; and the Registrar General shall furnish to the Registrar of every Parish or District a sufficient Number of Register Books of Births, and of Register Books of Deaths, and of Register Books of Marriages, and of Certificates, Schedules, Notices, and Forms.

On Removal or Death of Registrars, Register Boxes, Books, &c. to be delivered up to Successors.

XXIV. In every Case in which any Registrar, Interim Registrar, or Assistant Registrar shall die or be removed from or resign or otherwise cease to hold his Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as Registrar, Interim Registrar, or Assistant Registrar, or which shall come into the Possession of his Representatives, shall be delivered up as soon as conveniently may be to his Successor in Office, or to such other Person as the Parochial Board or the Sheriff shall direct; and if any Person shall refuse to give up any such Box, Key, Book, Document, or Paper in such Case as aforesaid, it shall be lawful for the Sheriff of the County where such Person shall be or reside, upon summary Application made for that Purpose by the Parochial Board or any one authorized by them, or without such Application, to issue a Warrant for bringing such Person before such Sheriff; and upon such Person not appearing or not being found, it shall be lawful for the Sheriff to hear and determine the Matter in a summary Way; and if it shall appear to him that any such Box, Key, Book, Document, or Paper is in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the Sheriff is hereby authorized and required to commit such Person to the Common Gaol of such County, or to any legal Gaol or Place of Confinement within the same, near the Place where such Person may be or reside, there to remain without Bail until he shall have delivered up the same, or until Satisfaction shall have been given in respect thereof to the Person in whose Custody the same ought to be, or to the Parochial Board.

Registrars to dwell in Parish, and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship.

XXV. The Registrar and Assistant Registrar shall dwell or have a known Place of Business within the Parish or District of which he is Registrar or Assistant Registrar; and every Registrar shall cause his Name, with the Addition of Registrar for the Parish or District for which he shall be so appointed, to be placed in some conspicuous Place outside of or on or near the outer Door of his own Dwelling House, or of his usual Place of Business if different or apart from his Dwelling House; and the Sheriff shall cause to be printed and affixed for Two consecutive *Sundays* in the Month of *November* One thousand eight hundred and fifty-four,

and in the Month of *July* yearly thereafter, upon some conspicuous Place on the Doors of all the known Places of Public Worship within the County of which he is Sheriff, and of every Burgh in such County, a List of the Names and Dwelling Houses or usual Places of Business, if different or apart from the Dwelling Houses, of every Registrar and Assistant Registrar in such County or Burgh respectively.

Registrar to learn and register Births and Deaths.

XXVI. Every Registrar shall, subject to the Regulations to be made as aforesaid, be and he is hereby authorized and required to inform himself carefully of every Birth and Death which shall happen within his Parish or District, and to learn and register, as soon after the Event as conveniently may be done, and without Fee or Reward, save as herein-after provided, in One of the said Register Books, the Particulars required to be registered, according to the Forms in the Schedules (A.) and (B.) hereunto annexed respectively, touching every such Birth or every such Death, as the Case may be, every such Entry being made in Order from the Beginning to the End of the Book as aforesaid; and in case of the Parish of the Birth being different from the Parish of the Domicil of the Parents o the Child, the Registrar of the Parish of the Birth shall, within Eight Days after the Entry of the Birth in his Register, transmit a Copy of such Entry to the Registrar of the Parish of the Domicil, if known to him, and the Registrar of the Parish of the Domicil shall forthwith transcribe such Entry in the Register of such Parish, and mark on the Margin of such Entry the Name of the Parish of the Birth.

Parents, &c. to give Information of Births, and to sign the Register.

XXVII. The Parents or Parent, or, in case of the Death or Inability of the Parents, the Person in charge of any Child born, and the Occupier of every House or Tenement in which to his or her Knowledge any Birth shall take place, and the Nurse present at such Birth, and in the Case of an illegitimate Child the Mother of such Child, or in case of the Death, Illness, or Inability of the Mother, the Person in charge of such Child, or the Occupier of the House or Tenement in which to his or her Knowledge the Child was born, or the Nurse present at the Birth of such Child, shall, within Twenty-one Days next after the Day of such Birth, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish or District in which the Birth occurred, to the best of his or her Knowledge and Belief, of the several Particulars required by the Schedule (A.) hereunto annexed to be registered touching such Birth, and shall in Presence of the Registrar sign the Register; and in the event of Failure or Neglect so to give Information, such Parents and Persons above specified, and also any other Person having Knowledge of the Particulars, shall, upon being required personally or by written Requisition, within Three Months after

after the Date of such Birth, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Birth occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (A.) required to be registered touching the Birth of such Child, and shall sign the Register in the Presence of the Registrar.

Registrar may require any Child to be produced.

XXVIII. In case of any Doubt existing as to the Sex or regarding the Birth of any Child, it shall be lawful for the Registrar to require the Production of the Child, and the Parents or any Person in charge of the Child shall be bound to produce it to the Registrar, unless prevented by the Illness of the Child, or other Reason satisfactory to the Registrar, under a Penalty of Forty Shillings in case of Non-compliance.

Intimation of finding new-born Child or dead Body of new-born Child.

XXIX. In case any Person shall find exposed any new-born Child, or the dead Body of any new-born Child, such Person shall forthwith give Notice of the finding of such exposed new-born Child, or the dead Body of such new-born Child, to the Registrar of the Parish or District, or to the Inspector of the Poor thereof, or to the District Constable, and such Registrar or Inspector or District Constable shall give the like Notice to the Procurator Fiscal; and any such Person, or Registrar, or Inspector, or District Constable, failing to give the Notice hereby required, shall be liable in a Penalty not exceeding Forty Shillings.

Register of Children born at Sea.

XXX. If any Child of a *Scottish* Parent shall be born at Sea on board of a British Vessel after the said Thirty-first Day of *December* One thousand eight hundred and fifty-four, the Captain or Commanding Officer of such Vessel shall forthwith make a Minute in the Log Book or otherwise of the several Particulars hereby required to be registered, touching the Birth of such Child, so far as the same may be known, and the Name of the Vessel in which the same took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity, send a certified Copy of such Minute through the Post Office to the Registrar General in *Edinburgh*, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in a Book to be kept for that Purpose in the General Registry Office, to be called "The Marine Register," and the Registrar General shall keep such Book with the Duplicate Registers according to the Provisions of this Act; and the Registrar General shall, within Three Days after the Receipt of such Minute, transmit a like Copy to the Registrar of the Parish in which the Child's Parents are or were last domiciled, if

known

known to him, and such Registrar shall forthwith enter the Particulars specified in such Copy in his Register, noticing such Transmission therein, in such Manner as shall be prescribed by the Registrar General.

Registration after Three Months from the Birth of the Child.

XXXI. After the Expiration of Three Months following the Day of the Birth of any Child it shall not be lawful for any Registrar to register such Birth save as herein provided; and in case the Birth of any Child shall not have been registered according to the Provisions herein-before made, it shall be lawful for either of the Parents of any legitimate Child, and for the Mother of any illegitimate Child, or for the Guardians of any legitimate or illegitimate Child, to make a Declaration in Writing before the Sheriff of the Particulars required to be registered touching the Birth of such Child, according to the best of his or her Knowledge and Belief, and it shall thereupon, with the Authority of the Sheriff, be lawful for the Registrar to register the Birth of such Child according to the Information of the Person making such Declaration; and in every such Case the Sheriff before whom such Declaration is made shall sign the Entry of the Birth in the Register as soon as conveniently may be after such Declaration shall have been so made; and for every such Registration the Registrar shall be entitled, unless the Delay shall have been occasioned by his Default, to a Fee of Two Shillings from the Person requiring such Birth to be registered; and no Register of Births, except in the Case of Children born at Sea, shall be admissible in Evidence to prove the Birth of any Child wherein it shall appear that more than Three Months have intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child, unless the Entry shall be signed by the Sheriff; and every Person who shall knowingly register or cause to be registered the Birth of any Child otherwise than herein provided, after the Expiration of Three Months following the Day of the Birth of such Child, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Name given in Baptism after Registration may be registered within Six Months.

XXXII. If any Child whose Birth shall have been registered as aforesaid shall have any Name given to it in Baptism, or shall have the Name by which it may have been registered altered in Baptism, the Parent or Guardian of such Child, or other Person procuring such Name to be given, may, if such Name shall be given within Six Months after such Registration, or if beyond Six Months, then only with the written Authority of the Sheriff, granted on a Statement of the Circumstances submitted to him, procure and deliver to the Registrar in whose Custody the Register of the Birth of the Child shall be, a Certificate according to the Form of Schedule (D.) to this Act annexed, or to the like Effect, signed by the Minister who shall

shall have administered the Sacrament of Baptism, which Certificate such Minister is hereby required to deliver as soon as may be after the Baptism, or, whenever the same shall be demanded, within Six Months, or if after Six Months, then with the Authority of the Sheriff, as aforesaid; and the Registrar, upon the Receipt of such Certificate, and on Payment of the Fee of One Shilling, to which he shall be entitled, shall, without any Erasure of the Entry of the Birth in the Register, forthwith insert the Name by which the Child was baptized in the Register, and shall, after Entry of the Name in the Register, certify upon the Certificate the Fact of the Name being so entered; and in case the Duplicate Register in which such Entry is recorded shall have been transmitted to the Registrar General as hereinafter directed, the Registrar shall transmit the Certificate through the Post Office to the Registrar General, who shall cause the like Entry of the Name to be made in the certified Copy of the Register in the General Registry Office, and shall preserve the Certificate.

Provision for Name given without Baptism after Registration.

XXXIII. In the Case of any Child of Parents not recognizing the Sacrament of Baptism or Infant Baptism, it shall be lawful for such Parents or the Guardians of such Child, within Six Months after the Birth of any such Child shall have been registered, or if after Six Months, then only with the written Authority of the Sheriff, granted on a Statement of the Circumstances submitted to him, when any Name shall have been given to any such Child by the Parents or Guardians of such Child, other than that by which it may have been registered, to deliver to the Registrar in whose Custody the Register of the Birth of such Child shall be, a Certificate in the Form of the Schedule (E.) to this Act annexed, or to the like Effect, signed by such Parents or Guardians, whereupon, and upon Payment of a Fee of One Shilling, such Registrar shall, without Erasure as aforesaid, register therein the Name of such Child; and such Certificate shall be certified and transmitted by the Registrar to the Registrar General in the like Manner and to the like Effect as is herein-before prescribed regarding Certificates in relation to Names given in Baptism.

Minister, on Nonproduction of Certificate of Registration of Birth, to send Notice to Registrar.

XXXIV. There shall be produced to the Minister or other Person officiating in the Administration of the Sacrament of Baptism of any Child a Certificate of the Registration of the Birth of such Child, and failing such Production such Minister or other Person shall forthwith intimate the Baptism of such Child, with all the Information which he may have regarding the Birth and Parentage of such Child, to the Registrar of the Parish in which the Parents of such Child reside.

Name of Father of illegitimate Child not to be entered,

XXXV. In the Case of an illegitimate Child it shall not be lawful for the Registrar to enter the Name of any Person as the Father of such Child, unless at the joint Request of the Mother and of the

unless at Request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar.

Person acknowledging himself to be the Father of such Child, and who shall in such Case sign the Register as Informant along with the Mother: Provided always, that when the Paternity of any illegitimate Child has been found by Decree of any competent Court, the Clerk of Court shall, within Ten Days after the Date of such Decree, send by Post to the Registrar of the Parish in which the Father is or was last domiciled, or in which the Birth shall have been registered, Notice of the Import of such Decree in the Form of the Schedule (F.) to this Act annexed, or to the like Effect, under a Penalty not exceeding Forty Shillings in case of Failure; and on Receipt of such Notice the Registrar shall add to the Entry of the Birth of such Child in the Register the Name of the Father and the Word "Illegitimate," and shall make upon the Margin of the Register opposite to such Entry a Note of such Decree and of the Import thereof; and in like Manner in the event of any Child registered as illegitimate being subsequently found by Decree of any competent Court to be legitimate, the Clerk of Court shall notify such Decree to the Registrar, in the Form as nearly as may be of the said Schedule (F.), who shall forthwith make upon the Margin of the Register in which the Birth is entered, and opposite to such Entry, a Note of such Decree and of the Import thereof, under a Penalty not exceeding Forty Shillings in case of Failure.

Correction of Registration of Children legitimated per subsequens matrimonium.

XXXVI. In the event of any Child, registered as illegitimate, being legitimated per subsequens matrimonium, the Registrar of the Parish in which the Birth of such illegitimate Child was registered shall, upon Production of an Extract of the Entry of such Marriage in the Register of Marriages, note on the Margin of the Register opposite to the Entry of the Birth the Legitimation of such Child per subsequens matrimonium, and the Date of the Registration of such Marriage: Provided always, that in all Cases in which the Paternity of such illegitimate Child shall not have been registered in manner herein-before provided as having been acknowledged, or as having been determined by Decree, the Registrar shall not note any such Legitimation or Marriage opposite to the Entry of the Birth of such Child unless authorized so to do by Warrant of the Sheriff granted upon the joint Application of both Parents, of which Intimation shall be made as such Sheriff may direct, and after due Inquiry, and hearing any Parties having Interest who may appear to oppose such Application.

Certificate of Entry of Birth to be given.

XXXVII. When any Entry of a Birth shall be made in a Register, upon the Information of any Person required to give Information under this Act, the Registrar on making such Entry shall give or transmit by Post to the Informant, within Two Days after the Date of

of the Entry, an Extract thereof, without Payment of any Fee, under a Penalty not exceeding Forty Shillings in case of Failure.

Persons present, &c. to give Information of Death, and to sign the Register.

XXXVIII. The nearest Relatives present at the Death of any Person, and the Occupier of the House or Tenement in which the Death took place, and if the Occupier be the Person who shall have died, his nearest Relatives and the Inmates of the House or Tenement in which such Death shall have taken place, shall, within Eight Days next after the Day of such Death, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Death occurred, to the best of his or her Knowledge and Belief, of the several Particulars required by the Schedule (B.) hereunto annexed to be registered touching such Death, and shall in Presence of the Registrar sign the Register; and in the event of Failure or Neglect so to give Information, such Persons, and any other Person having Knowledge of the Particulars, or if such Death shall not have taken place within a House, then every Person present at such Death or having a Knowledge of the Circumstances attending the same, shall, upon being required personally or by written Requisition, within Fourteen Days after the Date of such Death, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Death occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (B.) required to be registered touching such Death, and shall sign the Register in Presence of the Registrar.

In case of Persons dying not in a House.

XXXIX. In the event of any Person dying not in a House or Tenement the Occupier of the House or Tenement in which such Person was at the Time lodging or residing, or if the Person dying shall have been the Occupier, then the Inmates of such House or Tenement, upon respectively receiving Information of such Death, shall, within Twenty-four Hours thereafter, give or cause to be given Notice thereof to the Registrar of the Parish within which the Deceased lodged or resided, under a Penalty not exceeding Forty Shillings in case of Failure; and if it shall not be known where the Deceased lodged or resided, any Person present at the Death or finding the Body, and any Parish or public Officer, or any Party to whom the Body shall be brought, and who shall receive the same, shall in like Manner, and under the like Penalty in case of Failure, be bound to give the like Notice thereof to the Registrar of the Parish in which the Body shall be so found, or in which it shall be so received, and the Registrar shall immediately thereupon communicate such Notice to the Procurator Fiscal, under a like Penalty in case of Failure; and in

in case the Procurator Fiscal shall receive such Notice from any other Person than the Registrar, the Procurator Fiscal shall, within Three Days, communicate such Particulars as are by this Act required to be registered, so far as within his Knowledge, to the Registrar.

Procurator Fiscal to give Result of Precognition.

XL. Provided always, That in every Case in which a Precognition touching the Death of any Person shall be held, the Procurator Fiscal, having regard to the Particulars herein required to be registered concerning the Death, shall, in such Form and Manner as shall be prescribed by the Sheriff, with the Approbation of the Lord Advocate, inform the Registrar of the Result of such Precognition, and the Registrar shall, without requiring the Procurator Fiscal to sign the same, make the Entry accordingly, stating the Procurator Fiscal as his Informant.

Medical Attendant to transmit Certificate of Death to the Registrar.

XLI. The Medical Person who shall have been in Attendance during the last Illness, and until the Death of any Person, shall, within Fourteen Days after the Death of such Person, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Death, in the Form of the Schedule (G.) hereunto annexed, the Particulars of which shall forthwith be entered by the Registrar in the Register, and the Registrar shall from Time to Time furnish gratis to every Medical Person within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate.

Undertaker to transmit Certificate of Interment to the Registrar.

XLII. The Undertaker or other Person having charge of the Interment of any Person shall, within Three Days after such Interment, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Interment, in the Form of the Schedule (H.) hereunto annexed, the Particulars of which shall forthwith be entered by the Registrar in the Register, and the Registrar shall from Time to Time furnish gratis to every Undertaker within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate.

Register of Persons dying at Sea.

XLIII. If any of Her Majesty's *Scottish* Subjects shall die at Sea on board of a *British* Vessel after the said Thirty-first Day of *December* One thousand eight hundred and fifty-four, the Captain or Commanding Officer of the Vessel on board of which such Death shall have happened shall forthwith make a Minute in the Log Book or otherwise of the several Particulars herein required to be inserted in the Register touching such Death, so far as the same may be known, and the Name of the Vessel wherein the Death took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier

earliest Opportunity, send a certified Copy of such Minute through the Post Office to the Registrar General in *Edinburgh*, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in "The Marine Register," and shall within Three Days after the Receipt of such Minute transmit a like Copy to the Registrar of the Parish in which the Deceased was domiciled, if known to him, so that the Registrar thereof may forthwith make the requisite Entry in the Register of Deaths; and in Cases of Shipwreck, the Captain or any Officer of the Vessel who may have escaped, or if the Officers have all perished, then any Person who may have escaped, and shall be required by the Registrar General to that Effect, shall to the best of his Knowledge comply with the Provisions and Requisitions in this Section, as far as the Case will admit.

Registrar to give Certificate of Registration of Death to be delivered at Interment.

XLIV. The Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall without Fee or Reward deliver to the Informant, for the Use of the Undertaker or other Person having Charge of the Funeral, a Certificate under his Hand, according to the Form of Schedule (I.) to this Act annexed, that such Death had been duly registered; and such Certificate shall, under a Penalty not exceeding Ten Pounds in case of Failure, be delivered by such Undertaker or other Person to the Person having the Charge of the Churchyard, Cemetery, Church, Chapel, Aisle, Vault, or other Place of Interment, or having the Control, Management, or Superintendence of the Burial of the Dead in the Place of Interment in which the Body is to be buried, previous to the Interment taking place; and if any dead Body shall be buried for which no Certificate shall have been so delivered, the Person having Charge of such Churchyard or other Place of Interment shall within Three Days thereafter, under a Penalty not exceeding Twenty Shillings in case of Failure, give Notice thereof to the Registrar of the Parish in which such Death shall have happened, according to the Form of Schedule (H.) to this Act annexed.

Registrar may require Parties to attend him to give Information.

XLV. If the Parties bound to give Information to the Registrar for completing his Register shall not attend him for that Purpose, he shall make Intimation to them requiring them to attend him for such Purpose at his Place of Abode or known Place of Business where the Register is kept, at an Hour to be fixed in such Intimation, between the Hours of Eight of the Clock in the Morning and Six of the Clock in the Evening; and in case of their failing to attend, then the Registrar shall make a Second Intimation to the like Effect, and if the Parties shall again fail to attend, the Registrar shall apply to the Sheriff, who, upon Evidence to his Satisfaction of such Failure after

Two successive Intimations as aforesaid, shall issue his Warrant for compelling the Attendance of the Parties so failing, which may be executed by any Sheriff Officer; and if the Expenses of such Warrant shall not be recovered from the Parties failing to attend as aforesaid, it shall be lawful for the Registrar to include the same in the Account to be furnished by him to the Parochial Board as hereinafter directed.

Registration of regular Marriages.

XLVI. In all Cases of regular Marriages, when the Certificates of the Proclamation of the Banns are given out, such Certificates shall be accompanied by a Copy of the said Schedule (C.), and upon the Solemnization of the Marriage, such Schedule, having all the Information thereby required inserted therein, shall be produced to the Minister solemnizing the Marriage, or to the Person solemnizing any Marriage according to the Rites and Forms respectively observed by Jews and Quakers, or shall be filled up in the Presence of such Minister or Person, and shall be signed by the Parties contracting the Marriage, and by the Witnesses, Male or Female, present thereat, not being less than Two, and also by the Minister or Person officiating, and be delivered to the Parties contracting the Marriage, who shall within Three Days thereafter either deliver or send by Post such Schedule to the Registrar of the Parish wherein the Marriage was solemnized; and the Husband, and failing the Husband the Wife, shall in case of Failure so to deliver or send such Schedule be liable in a Penalty not exceeding Ten Pounds; and upon being received by the Registrar, the Particulars of such Schedule shall be forthwith entered by him in the Duplicate Registers; and all such Schedules shall be taken by the Registrar with the Duplicate Registers to the Sheriff, and shall be transmitted by the Sheriff with the Duplicate Registers to the Registrar General, for Preservation in the General Registry Office.

Registrar to attend Parties when required to register Marriages.

XLVII. It shall be competent to the Persons intending to contract Marriage to require the Registrar of the Parish to attend at the Solemnization thereof, at any Place within such Parish; and such Registrar is hereby required, upon a written Notice of Forty-eight Hours given to him to that Effect, to attend with the Register Book accordingly, and to make the proper Entry therein, and for such Attendance and Entry the Registrar shall be entitled to a Fee of Twenty Shillings, besides the Sum of Sixpence for each Mile which such Registrar shall be obliged to travel in going from his Place of Abode to the Place of such Marriage.

Marriages of Persons fined for

XLVIII. In the event of any Persons being convicted before any Justice of the Peace or Magistrate of having irregularly contracted a Marriage,

Marriage, it shall be lawful for either of the Parties to such irregular Marriage, and they are severally hereby required, to register such Marriage in the Parish in which such Conviction shall have taken place; and in case of any Marriage being established by a Decree of Declarator of any competent Court, it shall be lawful for either of the Parties to the Action in which such Decree was pronounced to register such Marriage in the Parish of the Domicil of such Parties, or the Parish of their usual Residence; and the Production to the Registrar of an Extract of such Conviction or Decree of Declarator shall be sufficient Evidence and Warrant for the Registration of such Marriages, on Payment to the Registrar of a Fee of Twenty Shillings.

irregular Marriages, and Marriages established by Decree of Declarator, to be registered.

XLIX. The Magistrate before whom or the Clerk of Court in which any such Conviction has taken place, and the Clerk of Court in which any such Decree of Declarator has been pronounced establishing any Marriage as aforesaid, shall, upon such Conviction so taking place or upon such Decree being so pronounced, give Information to the Registrar of the Parish in which such Conviction took place, and in case of a Decree of Declarator, to the Registrar of the Parish of the Domicil, or of the Parish of the usual Residence of the Parties to the Action of Declarator, by Notice of the Import of such Conviction or Decree, in the Form of Schedule (K.) to this Act annexed; and any such Clerk of Court failing so to do shall be liable in a Penalty not exceeding Forty Shillings, which may be prosecuted for and recovered at the Instance of the Registrar.

Convictions in irregular Marriages and Decrees of Declarator of Marriages to be intimated to Registrar.

L. Every Registrar shall make out an Account twice in every Year of the Number of Births, Deaths, and Marriages which he shall have registered in the Half Years terminating on the last Day of *June* and the last Day of *December* next preceding, and the Sheriff shall examine and verify or cause the same to be examined and verified; and it shall be lawful for the Parochial Board of the Parish, on Production of such Account so verified and signed by the Sheriff, to levy by Assessment the Sums required for Payment to the Registrar of the Amount of his Account so verified, and such further Sum as may be necessary for his Remuneration, and for the Expenses of taking the Duplicate Registers yearly to the Sheriff; and such Assessment shall be made and levied in the same Manner as and along with but separate from the Assessment for the Support of the Poor; and if there shall be no Assessment for the Support of the Poor in any Parish, then such Assessment shall be made and levied by the Heritors, either in the same Manner as and along with but separate from the Rate for the Support of Prisons, or in such other Manner as the Sheriff may direct; and the Parochial Board or the Heritors shall pay to the Registrar such Sums as he shall be entitled to receive in Terms of such

Registrars to make out Account of Number of Births, Deaths, and Marriages half-yearly, and Assessment to be levied and Payment made in respect thereof.

such verified Account, according to the following Scale; (that is to say,) for the first Twenty Entries of Births, Deaths, and Marriages in each Half Year which he shall have registered, whether the same be of Births or of Deaths or of Marriages indiscriminately, Two Shillings each, and One Shilling for each subsequent Entry of Births and of Deaths and of Marriages in each Half Year; and in the event of such Fees being deemed inadequate to his Remuneration, such further Sum as the Parochial Board shall think fit.

Registrars may be paid by Salary.

LI. Provided, That it shall be lawful for the Parochial Board, with the Approbation of the Registrar General or of the Sheriff, to place the Registrar and Assistant Registrar upon annual Salaries, the Amount of which shall be fixed by the Parochial Board, with the like Approbation; and such Salaries shall be paid by the Parochial Board out of the Assessment to be levied as herein-before directed, and the Fees received by the Registrar, which in such Case shall be accounted for by him to the Parochial Board.

Forms to be supplied gratis.

LII. The Registrar shall furnish gratis to all Persons hereby required to give Information, who shall apply therefor, printed Forms, setting forth the Heads of the Particulars required to be specified and inserted in such Forms; and the Registrar General shall cause a printed Copy of Section Forty-six of this Act, and Copies also of the Schedule (C.) hereunto annexed, to be supplied to the several Registrars, who shall, upon Application therefor, furnish such Copies to any Minister at any Time applying for the same, and to the Session Clerk of every Parish, and to the Registering Officers of the several Societies of Friends, and to the Secretaries of the Jewish Synagogues, for Use in the Registration of Marriages under this Act.

Registers to be kept in Duplicate, and annually examined by the Sheriff, and Duplicate to be transmitted to the Registrar General.

LIII. All the Registers hereby appointed to be kept shall be kept in Duplicate, and such Duplicates shall be paged continuously alike, and each Page shall be authenticated by the Sheriff affixing his Initials thereto before Delivery thereof to the Registrars, and the Contents of each Page of such Duplicate Register Books shall be the same, and each Page shall be signed by the Registrar; and in the First Week of *August* in each Year, on such Day as shall be fixed by the Sheriff, the Duplicate Register Books for the preceding Year ending on the Thirty-first Day of *December* shall be taken by the Registrar to the Sheriff, by whom, along with the Registrar, the same shall be carefully examined and compared, and a Docquet shall be added at the End of each Duplicate, stating the Examination and Accuracy thereof, the Number of Pages, and any marginal Additions or Erasures appearing on either Duplicate, so as to preclude the Possibility of Interpolation, and such Docquet shall be

signed

signed by the Parties examining the Duplicates; and One of such Duplicates shall be retained by the Registrar, and the other shall be transmitted by the Sheriff to the Registrar General on or before the Thirty-first Day of *August* in each Year; and the Sheriff when transmitting such Duplicate shall report any Circumstance relating to the Registers to which he may think the Attention of the Registrar General ought to be called.

Additions to or Alterations of the Registers

LIV. If in the course of any Year any such Additions or Alterations as are directed or authorized by this Act to be made on the Registers shall be so made, the Registrar shall make a Minute in Duplicate of such Additions or Alterations, and on the Day in the Month of *August* when the Sheriff shall examine the Duplicate Registers, as herein-before provided, the Registrar shall deliver One of such Duplicate Minutes to the Sheriff, together with all the relative Documents, and the Sheriff shall, if necessary, inquire into the Accuracy of the Facts therein set forth, and, if erroneous, correct the Minute; and thereupon the Sheriff and Registrar shall examine and authenticate the Duplicate Minutes, and One thereof shall be retained by the Registrar, and the other shall be transmitted by the Sheriff through the Post Office to the Registrar General, with the Duplicate Registers, and such Minute shall be deemed and taken to be a Part of the Registers, and the Alterations and Additions so authenticated shall forthwith be given effect to on or opposite to the Entries in the Duplicate Registers previously transmitted to the Registrar General for the Periods to which such Alterations and Additions apply.

Duplicate Register to supply the Place of any Register destroyed or become illegible.

LV. If any Duplicate Register in the Custody of the Registrar shall be lost, destroyed, or mutilated, or shall have become illegible, in whole or in part, such Fact shall be forthwith communicated by the Registrar to the Registrar General, who shall require the Registrar immediately to transmit to him the Duplicate Register which shall have been mutilated or become illegible; and the Registrar General shall thereupon present a Petition to one of the Divisions of the Court of Session, setting forth the Fact of the Loss, Destruction, Mutilation, or total or partial Illegibility, as the Case may be, of such Duplicate Register, and the Date of the Discovery of such Loss, Destruction, Mutilation, or total or partial Illegibility of such Duplicate; and the Court, on being satisfied regarding the same, and after such Intimation as they may think proper, shall order such Register to be corrected or completed, or a new Duplicate to be made, at the Sight of the Registrar General, and such corrected or completed Duplicate, or new Duplicate, authenticated by the Signature of the Registrar General, shall thereupon become in all respects of the same Force and Validity as the original Duplicate.

Indexes of Parish Registers to be made, which may be searched.

LVI. Every Registrar shall forthwith make tabular alphabetical Indexes of the Duplicate Registers in his Custody, to be kept in the Registrar's Office; and every Person shall be entitled at all reasonable Hours to search the said Indexes, subject to such Regulations as the Sheriff may prescribe, and to have an Extract of any Entry or Entries in such Registers under the Hands of the Registrar, on Payment of the Fees herein-after mentioned, (that is to say,) for every general Search the Sum of Two Shillings, and for every Search for a particular Register of Birth, Death, or Marriage, the Sum of One Shilling, and for every Extract of any Entry the Sum of Two Shillings; and any Registrar who shall refuse or neglect to make such Extract for One Month after being required so to do shall be liable in a Penalty not exceeding Ten Pounds.

Indexes to be kept at General Registry Office, where they may be searched.

LVII. Every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the tabular alphabetical Indexes of the Duplicate Registers in the Custody of the Registrar General, between the Hours of Ten in the Morning and Four in the Afternoon of every Day except *Sunday*, and to have an Extract of any Entry in the said Duplicate Registers; and for every general Search of such Indexes the Sum of Twenty Shillings, and for every particular Search the Sum of One Shilling, and for every Extract of any Entry the Sum of Two Shillings, and no more, shall be paid to the Registrar General, or such other Officer as shall be appointed to receive such Fees on his Account: Provided, that it shall be competent to the Registrar General to permit gratis Searches to be made by or on behalf of and Extracts to be given gratis to Persons of whose Inability to pay he shall be satisfied.

Extracts of Entries to be admissible as Evidence.

LVIII. Every Extract of any Entry in the Register Books to be kept under the Provisions of this Act, duly authenticated and signed by the Registrar General, if such Extract shall be from the Registers kept at the General Registry Office, and by the Registrar if from any Parochial or District Register, shall be admissible as Evidence in all Parts of Her Majesty's Dominions, without any other or further Proof of such Entry.

Money received by Registrar General to be accounted for.

LIX. Every Sum received by the Registrar General under the Provisions of this Act shall be accounted for, and paid by the Registrar General, at such Times as the said Commissioners of Her Majesty's Treasury from Time to Time shall direct, into the Bank of *England*, to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, or be applied by Order of the said

4 & 5 W. 4. c. 15.

said Commissioners towards the Payment of the Expenses of the said General Registry Office.

LX. Every Person who shall knowingly and wilfully make or cause to be made, for the Purpose of being inserted in any Register of Birth, Death, or Marriage, any false or fictitious Entry, or any false Statement regarding the Name of any Person mentioned in the Register, or touching all or any of the Particulars by this Act required to be registered, shall be deemed guilty of an Offence, and on Conviction shall be punishable by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Penalty on giving false Information.

LXI. Every Registrar who shall refuse, or, without reasonable Cause, omit to register any Birth or Death or Marriage, or to make any Addition to or Alteration upon the Register, in accordance with the Provisions of this Act, shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

Penalty on Registrar for omitting to register.

LXII. Every Person who shall wilfully destroy, obliterate, erase, or injure any Entry, or cause to be destroyed, obliterated, erased, or injured any such Register, or Duplicate thereof, or any Minute, Notice, or Certificate made or given pursuant to this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Duplicate, or any such Minute, Notice, or Certificate, or shall wilfully insert or make or cause to be inserted or made in any such Register or Duplicate any false or fictitious Entry of or any false Statement touching any Birth, Death, or Marriage, or shall wilfully give any false Certificate, or falsify any Certificate, or shall certify any Writing to be an Extract of any such Register, knowing the same to be false or fictitious in any Part thereof, shall be deemed guilty of an Offence, and on Conviction thereof be liable to be punished by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Penalty for destroying or falsifying Register, &c.

LXIII. If any Error shall be discovered to have been committed in the Entry of any Birth, Death, or Marriage in any such Register, the Person discovering the same shall forthwith give Information thereof to the Sheriff, and it shall be lawful for the Sheriff, and he is hereby authorized and required, thereupon, or upon otherwise coming to the Knowledge of such erroneous Entry, to summon before him the Person who made and any Person concerned in the making such erroneous Entry, or having Knowledge regarding the same, and also any Person interested in the Effect of such erroneous Entry, and to examine all such Persons upon Oath; and if the Sheriff shall be satisfied that

For correcting erroneous Entries.

that any Error has been committed in any such Entry, he shall, by Authority in Writing under his own Hand, direct a corrected Entry of the Birth, Death, or Marriage in relation to which such Error has been committed, and bearing the Date of the Correction, to be made in a separate Register Book, to be called "The Register of corrected Entries," and in such corrected Entry Reference shall be made to the Depositions upon which the Correction of the Error has proceeded, and the Sheriff shall also make or cause to be made an Entry or Marking upon the Margin of the original Entry of such Birth, Death, or Marriage in the Duplicate Registers, but shall not alter the original Entry, distinctly referring by Volume and Page and Date to the Entry made in "The Register of corrected Entries;" and in case the Duplicate Register shall have been transmitted to the Registrar General, the Sheriff shall transmit a Copy of the corrected Entry and relative Marking, authenticated by his Signature, to the Registrar General, to be inserted in the Duplicate Register so transmitted; and the Sheriff shall every Year transmit such "Register of corrected Entries" to the Registrar General, at the same Time and in the same Manner as is provided for the Transmission of Duplicate Registers.

Errors in Entry may be corrected before signing.

LXIV. Provided always, That Errors committed in the Form or Substance of any Entry may be corrected according to the Truth of the Case before the Entry is signed; and if any Correction is intended to be made by Erasure or Obliteration, the same shall be effected by drawing a Line through the erroneous Words or Figures, but so as to leave the same legible; and any Addition or Alteration relative to such Correction shall be made as near as may be to the Correction, and the Registrar shall affix his Signature thereto.

Recovery and Application of Penalties.

LXV. All Penalties imposed by this Act may, unless otherwise directed, be recovered by summary Proceedings upon Complaint in Writing made by the Procurator Fiscal to the Sheriff of the County within which such Penalty shall be incurred, or to the Sheriff of any County in which the Person complained against may be found; and on such Complaint being made such Sheriff shall issue a Warrant for bringing such Person immediately before him, or shall issue an Order requiring such Person to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Person complained against, either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded; and either upon the Appearance or on the Default to appear of such Person it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Person complained against, or upon the Oath of One or more credible Witness or Witnesses, and without

without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decree, adjudge, and sentence him to pay the Penalty incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Offender shall be discharged, notwithstanding such Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months, and such Penalty shall go to the Registrar General; and the Decision of the Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review in any Court or by any Process whatsoever.

Town Councils of Burghs to have Powers of Parochial Boards.

LXVI. Where any Parish shall be situated wholly or in part in a Burgh, the Town Council of such Burgh shall have and possess all the Powers hereby conferred on Parochial Boards, and shall be liable to the Discharge of all the Duties hereby imposed on such Boards in respect of such Parish or Part of a Parish; and such Powers and Duties shall be exercised and discharged by such Town Council as nearly as may be in Terms of the Provisions herein contained relative to such Parochial Boards; and such Town Council shall be entitled to levy such Assessment on the Real Rent of Lands and Heritages within such Burgh as may be required to defray the Expense of their Proceedings under this Act; and the Word "Burgh" shall have the Meaning annexed to it in the Seventy-sixth Section of this Act, excepting in the Case of Burghs which do not as Burghs send or contribute to send a Member to Parliament, the Boundaries of which shall continue to be as fixed by Royal Charter, or Act of Parliament, or other Constitution thereof.

Expense of Correspondence of Registrar General relating to this Act how to be defrayed.

LXVII. The Expense attending the Postage or Carriage of all Letters and Packets relating exclusively to the Execution of this Act, sent by the General Post from Place to Place in *Great Britain* and *Ireland*, to or from the Registrar General, and also the Expense of registering any Letter containing any Register transmitted through the Post Office, shall be defrayed as a Part of the Expense of the General Registry Office herein-before provided for: Provided always, that such Letters and Packets as shall be sent to the Registrar General be directed to the Registrar General in *Edinburgh*, and all such Letters and Packets as shall be sent by the Registrar General shall be in Covers, with the Words "Registrar General, *Edinburgh*," printed on the same, and be signed on the Outside thereof under such Words with the Name of such Person as the Registrar General, with the Consent of the said Commissioners of Her Majesty's Treasury,

shall appoint, in his own Handwriting, such Name to be from Time to Time sent to the Secretaries of the General Post Office in *London*, *Edinburgh*, and *Dublin*, and under such other Regulations as the said Commissioners shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate exclusively to the Execution of this Act, or if the Person so to be appointed, or any other Person, shall knowingly send or cause to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure other than shall relate exclusively to the Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office, one Moiety of such Penalty to be paid to the Use of Her Majesty, Her Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for or recovered in any competent Court.

Proclamation of Banns and Law of Marriage not affected.

LXVIII. Nothing herein contained shall affect the Proclamation of Banns, or the Registration thereof, as at present in use, or the Law of Marriage in *Scotland*.

Registrar General to furnish Notices of Acts required to be done to Sheriffs for Publication on Doors of Places of Worship, &c.

LXIX. The Registrar General shall, within Three Months after his Appointment to such Office, and from Time to Time as he shall think fit, furnish to the respective Sheriffs of the several Counties in *Scotland* such printed Notices respecting the Acts required to be done under this Act by the Persons who are herein required to give Notice or Information with regard to any Birth, Death, or Marriage as he shall think it requisite to be publicly known, which Notices the Sheriffs shall, as soon as conveniently may be after the Receipt thereof, cause to be affixed on the Outside of the Doors of all the known Places of Public Worship or other public and conspicuous Buildings or Places within their respective Counties.

Notices may be given by Post.

LXX. Wherever Notice is required to be given by this Act, the Person bound to give the Notice shall be held to have sufficiently discharged himself if he shall have put into the Post Office, before the Expiration of the Period within which the Notice is required to be given, a Letter addressed to the Person to whom and containing the Particulars of which the Notice is required to be given,

Penalties not exigible if Notice given.

LXXI. No Penalty imposed by this Act on Parties failing to give any Notice required by this Act shall be exigible, if any of the Parties so required shall have given such Notice.

LXXII. In

LXXII. In case of the Inability to write of any Person whose Signature is required or necessary under this Act, it shall be lawful for such Person to adhibit a Cross or other Mark, and being adhibited in Presence of the Registrar, or Sheriff, or Two Witnesses, who shall adhibit their Designations to their Signatures, such Mark shall be in all respects as binding and effectual as the Signature of such Person if capable of writing would have been.

Parties may sign by a Mark before Witnesses.

LXXIII. No Penalty shall be exacted in any Case where it shall appear to the Satisfaction of the Sheriff that the Party failing to comply with the Provisions of this Act, in relation to the giving Notices under the same, has not wilfully been guilty of such Failure, but that such Failure has been occasioned by unavoidable Accident, or by Circumstances over which he had no Control, and where he has used every reasonable Endeavour towards Compliance with such Provisions.

No Penalty where Failure not wilful.

LXXIV. It shall be lawful for the Registrar General, with the Consent of Her Majesty in Council, to diminish, from Time to Time, the Fees hereby authorized to be taken, and to alter the Schedules to this Act annexed, regard being always had to the Objects and Purposes of this Act, and to rendering the same more effectual; and such Alteration of Fees or Schedules shall be published in the *Edinburgh Gazette*, and shall within Fourteen Days after the same shall have been issued be laid before both Houses of Parliament, or if Parliament shall not be then sitting, within Fourteen Days after the meeting of the then next Session.

Registrar General may alter Schedules.

LXXV. If any Person being by Law in the Office of Keeper of any Register of Births, Baptisms, or Burials, and not being a Session Clerk, shall, in the Execution of this Act, be deprived of such Office, and thereby suffer Loss of the Emoluments of such Office, it shall be competent to such Person to make Application to the said Commissioners of Her Majesty's Treasury, setting forth the Amount of such Loss, together with the Vouchers and Evidence thereof, and the said Commissioners may on Consideration of the same find the Applicant entitled to Compensation, and award the same to such Amount as they shall think fit, or find that he is not entitled to Compensation.

Compensation where Keepers or Registers deprived of Office by Operation of this Act.

LXXVI. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

The

The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in *Scotland* for the Time being, appointed and acting under this Act:

The Word "Parish" shall include any Division of a Parish or Union of Parishes into a District or Districts made in pursuance of this Act:

And with regard to any Birth, Death, or Marriage herein mentioned, the Words "Registrar" and "Assistant Registrar" shall mean the Registrar and Assistant Registrar of the Parish or District in which such Birth, Death, or Marriage took place or such Marriage was solemnized, celebrated, or contracted; and the Word "Register" shall mean the Duplicate Registers of Births, Deaths, and Marriages to be kept and made pursuant to this Act:

The Word "Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitutes:

The Words "Procurator Fiscal" shall mean the Procurator Fiscal of the County or Division of a County of which he is Procurator Fiscal:

The Word "Minister" shall be taken to include Ministers or Pastors of Christian Congregations of all Denominations:

The Word "County" shall include any Division of a County established by Law:

The Word "Burgh" shall apply to a City, Burgh, or Town being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament, and the Boundaries of all such Burghs shall for the Purposes of this Act be the same as are described in the Act Second and Third *William* the Fourth, Chapter Sixty-five:

The Word "Heritors" shall mean Heritors entitled to elect a Schoolmaster under an Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, Chapter Fifty-four:

The Word "Occupier" shall include the Guardian, Master, Governor, Keeper, Steward, House Surgeon, or Superintendent of every Gaol, Prison, or House of Correction, Workhouse, Hospital, Lunatic Asylum, or public Charitable Institution.

Act to extend only to Scotland.

LXXVII. This Act shall extend only to *Scotland*.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

1855. Births in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

No.	Child.				Parents.			Informant.	
					Father.		Mother.		
	Name (if given), and whether Informant present or not. Baptismal Name (if different), or Name given without Baptism after Registration; and Date of insertion thereof.	Sex.	When born. Year, Day of Month, Hour.	Where born. If in Lodgings, so stated.	Name; Rank, Profession, or Occupation; Age; Birthplace.	When and where married; Issue, living and deceased.	Name; Maiden Name; Age; Birthplace.	Signature of Father or Mother or other Informant, and Residence, if out of the House in which the Birth occurred.	When and where registered, and Signature of Registrar.
98	*WALKER, JOHN. (Present.)*	*Male.*	*1855. February Eleventh. 5h. 30m. a.m.*	*4, North Street, Edinburgh.*	*James Walker, Wine Merchant. 30 Years. Glasgow.*	*1840, Edinburgh. 4 Boy and 4 Girl living. 4 Boy deceased.*	*Jane Walker, Maiden Name Hill, (her 4th Child) 29 Years. Stirling.*	*James Walker, Father.*	*1855. February 24th. At Edinburgh. John Smith, Registrar.*

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHEDULE (B.)

1855. Deaths in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

No	Description of the Deceased.							Particulars of Death.				Signature of Informant.	When and where registered, and Signature of Registrar.
	Name, Rank, Profession, or Occupation.	Sex.	Age.	Where born, and How long in this District.	Parents' Names, and Rank, Profession, or Occupation.	If Deceased was married, To whom.	Issue, in Order of Birth, their Names and Ages.	When died. Year, Day of Month, Hour.	Where died.	Cause of Death, and how long Disease continued. Medical Attendant by whom certified, and when he last saw Deceased.	Burial Place. Undertaker by whom certified.		
901	*CANTY, WILLIAM, Labourer.*	*M*	*62*	*County of Cork, Ireland. 36 Years in Edinburgh.*	*Timothy Canty, Shoemaker, deceased. Mary Canty, Maiden Name Nicolas, deceased.*	*Honora M'Carty.*	*1. Timothy, 31. 2. William, 30. 3. Mary, 29. 4. John, dec. æt. 27, in 1854. 5. Catherine, dec. æt. 1, in 1828. 6. Stephen, 21.*	*1855. February Twenty-eighth. 6h. 30m. a.m.*	*At 16, Cottage Lane, Edinburgh.*	*Pneumonia— 2 Months. As certified by H. Bloomfield, M.D., who saw Deceased Feb. 27th.*	*Burial Ground of Greyfriars, Edinburgh. As certified by George Watkins, Undertaker.*	*Honora Canty, her M Mark, Widow, Informant. James Johnston, Shoemaker, Edinburgh, Witness. George Henderson, Clerk in the Register Office, Edinburgh, Witness.*	*1855. March 3d. At Edinburgh. John Smith, Registrar.*

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHE-

SCHEDULE (C.)

1855. Marriages in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

No.	When, where, and how married.	Signatures of the Parties.	Residence. Present.	Residence. Usual.	Age.	Rank or Profession, and Relationship of Parties (if related).	Condition. If a Widower or Widow, whether Second or Third Marriage.	Condition. Children by each former Marriage. Living	Condition. Children by each former Marriage. Dead.	Birthplace, and when and where registered.	Parents' Names.	Parents' Rank, Profession, or Occupation.	If a regular Marriage, Signatures of Officiating Minister and Witnesses.	If irregular, Date of Extract Sentence of Conviction, or Decree of Declarator, and in what Court pronounced.	When and where registered, and Signature of Registrar.
11	*On March Third, 1855 At Edinburgh Marriage (after Banns) was solemnized between us according to the Rites and Ceremonies of the Established Church of Scotland.*	*William Hastings.*	*6, High Street, Edinburgh.*	*Chelmsford, Essex.*	*32*	*Carpenter*	*Widower, Second Marriage,*	*2*	*1*	*Born and registered on 1 May 1822, at Bristol.*	*Peter Hastings, deceased, and Ann Hastings, Maiden Name Payne.*	*Upholsterer.*	*James Brown, Minister of High Church, Edinburgh.*		*1855. March 4th. At Edinburgh.*
		Sophia Ann Mitchell.	*4, Hamilton Place, Edinburgh.*	*4, Hamilton Place, Edinburgh.*	*20*	*Dressmaker*	*Spinster.*			*Born and registered at Perth.*	*John Mitchell and Sarah Mitchell, Maiden Name Evans, deceased.*	*Butcher.*	*John Hastings, Witness. Jane Mitchell, Witness.*		*John Smith, Registrar.*

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHE-

SCHEDULE (D.)

I Minister of do hereby certify, That I have this Day baptized by the Name of a (*state the Sex*) Child produced to me by as the Child of *A. B.* and *C. D.* of and declared by the said to have been born at in the County of on the Day of One thousand eight hundred and . Witness my Hand, this Day of One thousand eight hundred and .

_____ Minister.

SCHEDULE (E.)

I do hereby certify, That the Child named was born at in the County of on the Day of One thousand eight hundred and ; that *A. B.* and *C. D.*, of , are the Parents of the said Child; and that the Name was given to the said Child on the Day of One thousand eight hundred and according to the Rules or Usage of the Sect or Persuasion of to which the said Parents belong. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by Parent or Guardian of Child.*]

SCHEDULE (F.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of . Take notice, That the Court of Session [*or other competent Court*], upon the Day of 18 , pronounced Decree in an Action before the said Court, at the Instance of [*Pursuer's Name and Description*], against [*Defender's Name and Description*], relating to the Paternity of [*describe the Child*], finding that the said Child was the illegitimate Child of the said [*Pursuer and Defender's Names*]. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by the Clerk of Court.*]

SCHE-

SCHEDULE (G.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of .

I hereby certify, That I attended , who was apparently aged Years; that I last saw him [*or* her] on the Day of 185 ; that he [*or* she] died on the Day of 185 , at ; that the Cause of his [*or* her] Death was ; and that the Disease had continued . Witness my Hand, this Day of One thousand eight hundred and .

Signed

Profession

Residence

SCHEDULE (H.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of . Take notice, That upon the Day of 18 the Body of *A.B.* of was buried in the [*here insert the Name of the Churchyard or other Place of Interment*]. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by the Undertaker or Person having Charge of the Funeral, or the Person having Charge of the Place of Interment.*]

SCHEDULE (I.)

I Registrar of Births, Deaths, and Marriages in the Parish [*or* District] of in the County [*or* Burgh] of do hereby certify, That the Death of *A.B.* of was duly registered by me on the Day of One thousand eight hundred and . Witness my Hand, this Day of One thousand eight hundred and .

Registrar.

SCHEDULE (K.)

To the Registrar of the Parish [or District] of in the County [*or* Burgh] of . Take notice, That *A.B.*, a Justice of Peace for the County of convicted *C.D.* of of having irregularly contracted a Marriage with *E.F.* of ; *or* that the Court of Session [*or other competent Court*], upon the Day of 18 , pronounced Decree in an Action of Declarator of Marriage before the said Court, at the Instance of *G.H.* [*Pursuer's Name and Description*], against *I.K.* [*Defender's Name and Description*], finding that *G.H.* of and *I.K.* of had intermarried. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by the Clerk of Court.*]

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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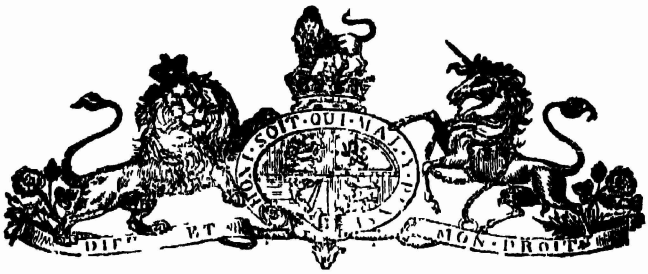


ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

Francis Earl of *Ellesmere*, the Right Reverend Father in God *Charles Thomas* Lord Bishop of *Ripon*, the Honourable Sir *John Taylor Coleridge*, One of the Justices of the Court of Queen's Bench, the Very Reverend *George Henry Sacheverel Johnson* the Dean of *Wells*, Sir *John Wither Audry*, late Chief Justice of the Supreme Court of *Bombay*, and *George Cornewall Lewis* Esquire, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum.

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of *January* One thousand eight hundred and fifty-seven, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and fifty-eight, and no longer.

Vacancy in Number of Commissioners.

III. If any Vacancy occurs in the Number of such Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of *Oxford*, or of any College or Hall therein, the Production of any Documents or Accounts relating to such University, College, or Hall, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be pleadable in bar of any Authorities of the said Commissioners.

Constitution of the University.

Establishment of Hebdomadal Council.

V. Upon the Fourteenth Day of *Michaelmas* Term One thousand eight hundred and fifty-four, all Powers, Privileges, and Functions now possessed or exercised by the Hebdomadal Board of the said University shall cease, and upon the Fifteenth Day of the said *Michaelmas* Term One thousand eight hundred and fifty-four there shall be elected in manner herein-after mentioned a Council, which shall be called the Hebdomadal Council, to which shall be transferred immediately after the Election thereof all Powers, Privileges, and Functions now possessed or exercised by the Hebdomadal Board of the said University.

Composition of Hebdomadal Council

VI. The Hebdomadal Council shall consist of the Chancellor, the Vice-Chancellor, the Proctors, Six Heads of Colleges or Halls, Six Professors of the University, and Six Members of Convocation of not less than Five Years standing, such Heads of Colleges or Halls, Professors, and Members of Convocation to be elected by the Congregation

gregation herein-after mentioned of the said University, and the Chancellor, or in his Absence the Vice-Chancellor or his Deputy, being a Member of the Hebdomadal Council, shall be the President of such Hebdomadal Council: Provided always, that nothing herein contained shall be held to prevent the Head of any College or Hall who is a Professor being returned or continuing to sit as One of the Six Professors, or the Head of any College or Hall, or a Professor, being returned or continuing to sit as One of the Six Members of Convocation; and if any Person shall be elected a Member of the Hebdomadal Council in Two or more Classes he shall, when he first takes his Seat in the Council, declare under which Class he desires to sit, and his Seat for the other shall be forthwith vacated.

As to Heads of Colleges and Professors being returned or sitting as Professors, or Members of Convocation.

Persons elected in Two or more Classes to declare under which Class they will sit.

VII. The Hebdomadal Council shall meet for the Despatch of Business on the Fifteenth Day of *Michaelmas* Term One thousand eight hundred and fifty-four.

Date of Meeting.

VIII. Of the Six Persons to be then elected together out of each of the Classes of Heads of Colleges or Halls, Professors, and Members of Convocation, the Three Juniors of each Class in Academical Standing, reckoned from Matriculation, shall vacate their Seats at the Expiration of the Third Year from such Day within the then current Academical Year as shall be named by the Hebdomadal Council in that Behalf; and all the other Persons to be then elected shall vacate their Seats at the Expiration of the Sixth Year from the said Day; and all other Persons elected from Time to Time, except such as shall be so elected upon casual Vacancies, shall vacate their Seats at the Expiration of Six Years; and the Election to supply the Places of the Persons so vacating their Seats shall be made upon the Day on which Seats are vacated.

Periodical vacating of Seats.

IX. All such Persons whatsoever shall be capable of Re-election.

Members may be re-elected.

X. Any casual Vacancy occurring by Death, Resignation, or otherwise among such Persons shall be filled by the Election of a qualified Person, according to the Directions of this Act; but the Person so elected shall be subject to the same Rules and Conditions in all respects as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Filling up of casual Vacancies.

XI. If the Vice-Chancellor for the Time being shall not be also an elected Member of the said Council, then, on the Expiration of his Term of Office, he shall in virtue of his late Office continue to be a Member thereof until the next triennial Election, or for the Space of One Year if such Election shall take place at an earlier Period.

Vice-Chancellor to continue a Member.

XII. No

Professors eligible.

XII. No Professor shall be ineligible for the said Council by reason of anything contained in the Statutes of his Foundation.

Non-residence to create a Vacancy.

XIII. If any of the Members of the Hebdomadal Council other than the Chancellor of the University shall reside for less than Twenty-four Weeks during Term Time in any Year, his Seat shall at or before the Close of such Year be declared by the Vice-Chancellor and shall thereupon become vacant.

Vice-Chancellor to make Register of Congregation; also Regulations respecting Hebdomadal Council.

XIV. The Vice-Chancellor shall, before the Twenty-fifth Day of *September* One thousand eight hundred and fifty-four, and before the same Day in each succeeding Year, make and promulgate a Register of the Persons qualified to the best of his Knowledge to be Members of the Congregation of the University of *Oxford* according to this Act, and shall also make and promulgate all such Regulations as to the said Register, and as to all Matters relating to the voting for, Election, Resignation, and Return of Members of the Hebdomadal Council, as may be necessary for the assembling together of the Congregation and for the Election and assembling together of the said Hebdomadal Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time of the Day and Place at which they shall so assemble together; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon carry the same into effect, and thereupon make such Regulations in respect of the Matters aforesaid as they may think fit; and no Persons shall be admitted to vote in the Election of Members of the Hebdomadal Council but those included in such Register, and mentioned or described in the Sixteenth Section and the Schedule therein referred to.

Power to Hebdomadal Council to make Rules for Regulation of its own Proceedings.

XV. Subject to the Provisions of this Act, and without Prejudice to the Rights of Congregation and Convocation in the making of Statutes for the University of *Oxford*, the Hebdomadal Council shall have Power to make, from Time to Time, Rules for the Regulation of its own Proceedings, and to revise the Regulations and Register herein-before directed to be made by the Vice-Chancellor.

Composition of Congregation.

XVI. On and after the Fifteenth Day of *Michaelmas* Term One thousand eight hundred and fifty-four, the Congregation of the University of *Oxford* shall be composed of the following Persons only, the said Persons being Members of Convocation:

1. The Chancellor.
2. The High Steward.
3. The Heads of Colleges and Halls.

4. The

4. The Canons of *Christ Church*.
5. The Proctors.
6. The Members of the Hebdomadal Council.
7. The Officers named in Schedule (A.) to this Act annexed
8. The Professors.
9. Assistant or Deputy Professors.
10. The Public Examiners.
11. All Residents.
12. All such Persons as shall be provided to be added by Election or otherwise to the said Congregation by any Statute of the University approved by the Commissioners, or (after the Expiry of the Commission) passed by Licence of the Crown.

The Chancellor, or in his Absence the Vice-Chancellor or his Deputy, shall preside in the said Congregation, and the Congregation so constituted as aforesaid shall have Power to frame Regulations for the Order of its own Proceedings, but subject to any Statute which the University may make in respect thereof.

Power to Congregation to frame Regulations for its own Proceedings.

XVII. Every Statute framed by the Hebdomadal Council shall, after due Notice of the Contents thereof, be promulgated in Congregation, and shall also be proposed there for Acceptance or Rejection after an Interval of Seven Days, or such other Interval as the University by Statute may appoint, and if accepted by Congregation shall be, after an Interval of Fourteen Days, or such other Interval as the University by Statute may appoint, submitted to Convocation for final Adoption or Rejection as a Statute of the University.

As to Promulgation of Statutes.

XVIII. Any Member of Congregation may, upon the Promulgation of any such Statute, propose, in Writing, Amendments thereof to the Hebdomadal Council, which the said Council shall consider, and thereupon may adopt, alter, or reject.

Proposal of Amendments.

XIX. If after the Promulgation of a Statute the said Council shall make any Change in it, it shall thereupon be promulgated afresh in manner aforesaid.

If Change made, Statute to be re-promulgated.

XX. The Members of Congregation shall upon the Occasion of the Promulgation of any Statute have the Right to speak thereon in the *English* Tongue, but without the Power of moving any Amendment, and subject to such Regulations as the University may make by Statute for the due Order of Debate.

Congregation may speak in English.

XXI. Upon any Occasion of electing Members of the Hebdomadal Council, every Person entitled to vote in such Election shall have the Power of giving Votes in each Class as follows: for One Vacancy, One

As to Election of Hebdomadal Council.

One Vote; for Two or Three Vacancies, Two Votes; for Four Vacancies, Three Votes; for Five or Six Vacancies, Four Votes: Provided always, that no Elector shall give more than One Vote for any One Candidate.

Powers of Convocation retained.

XXII. The Convocation of the University of *Oxford* shall not, save as herein provided, be deprived of any of the Powers by it now lawfully possessed.

University may provide that Votes may be given by Proxy at Election of Chancellor.

XXIII. It shall be lawful for the University to provide by Statute, if it shall think fit, that Votes may be given either personally or by Proxies, being Members of Convocation authorized by Writing under the Hand of the Member of Convocation nominating such Proxy, at any Election of a Chancellor of the University.

Certain Oaths illegal.

XXIV. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence,

shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

Power to Vice-Chancellor to license Members of Convocation to open their Residences for Reception of Students;

XXV. It shall be lawful for any Member of Convocation, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, to obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of *Carfax*, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University without being of necessity entered as Members of any College or existing Hall; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

who shall be called Licensed Masters.

XXVI. Every Person to whom such Licence is granted shall be called a Licensed Master, and his Residence so opened as aforesaid shall be called a Private Hall.

Power of University to make Statutes.

XXVII. For the Purpose of carrying into effect the Objects proposed by this Act in relation to Private Halls, the University is hereby specially empowered, at any Time before the First Day of *Michaelmas*

Michaelmas Term One thousand eight hundred and fifty-five, by Statute, to be approved as herein-after mentioned, to do the following Things:

To fix the Terms and Conditions of granting Licences to Licensed Masters, and the Qualifications of such Masters:

To make Regulations for the Government of Private Halls, the Instruction and Discipline of the Students therein, their Attendance on Divine Worship, and their Status in the event of the Withdrawal or Suspension of the Licence of any such Private Hall:

To make Provision for punishing Neglect or Breach of Regulation on the Part of a Licensed Master by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as they may think fit

To make Provision for the Aggregation of all or any Private Halls, with the Consent of the Masters thereof, into One or more Great Halls of the University:

To make Provision for the Appointment of One or more Officers for the due Execution of any Regulation relating to the aforesaid Matters, and, if considered expedient, for the Appointment of any such Officer Head of any such Great Hall for the better Accomplishment of the said Purpose:

To fix the Conditions upon which a Private Hall of the University may become an ordinary or Public Hall thereof.

Colleges may amend Statutes with respect to Eligibility to Headships, &c.

XXVIII. And whereas it is expedient, for the Interests of Religion and Learning, to enable Colleges to alter and amend their Statutes with respect to Eligibility to Headships, Fellowships, and other College Emoluments, and the Tenure thereof, and to ensure the same being conferred according to personal Merits and Fitness, and for that Purpose to modify or abolish any Preference, and to make Ordinances for promoting the main Designs of the Founders and Donors, and in the Case of some of the Colleges for rendering Portions of their Property or Income available to Purposes for the Benefit of the University at large, for the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships attached to Schools into Scholarships or Exhibitions so attached, and of Fellowships otherwise limited into Scholarships or Exhibitions, either subject or not to any similar or modified Limitation, and generally to make further Provision for maintaining and improving the Discipline, Studies, and good Government of the said Colleges, and for amending, with the Consent of the Visitor, the Statutes thereof from Time to Time: Be it enacted, That it shall be lawful for every College, at any Time before the First Day of *Michaelmas* Term One thousand eight

eight hundred and fifty-five, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment of any College, to make Regulations and Ordinances for the Purpose of effecting or advancing any of the aforesaid Objects and Purposes: Provided always, that all such Regulations and Ordinances shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and may from Time to Time remit the same for further Consideration or Revision, with Amendments or Alterations therein.

When Colleges omit to make Statute, Commissioners may frame Ordinances.

XXIX. Provided always, That if the Powers herein-before granted to Colleges shall in the Case of any College not be exercised, and no Ordinance or Regulation for effecting the Objects of such Powers shall be submitted by such College to the Commissioners, and approved of by them, before the First Day of *Michaelmas* Term One thousand eight hundred and fifty-five, it shall be lawful for the Commissioners to frame such Ordinances and Regulations as shall appear to them to be necessary or expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and such Ordinances and Regulations, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that such Ordinances and Regulations, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months before the same are submitted to Her Majesty in Council, as herein-after directed; and if within the said Period of Two Calendar Months Two Thirds of the Governing Body of the said College shall by Writing under their Hand and Seal declare that in their Opinion such Ordinances and Regulations will be prejudicial to the said College as a Place of Learning and Education, then the same shall not take effect, but it shall be lawful for the Commissioners to frame and submit other Rules and Regulations for the like Purpose to the said College, and so on as often as Occasion shall require.

Power of University to alter Trusts.

XXX. And further, if in the Case of any Gift or Endowment held by the University which has taken effect for more than Fifty Years, it shall appear to the said University that the Interests of Religion and Learning, and the main Design of the Donor, may be better advanced by an Alteration of the Trusts or Directions affecting such Gift or Endowment, it shall be lawful for the University to alter or modify

modify such Trusts or Directions, and to frame a new Statute for the Application of such Gift or Endowment in such Manner as may better advance the Purposes aforesaid; but no such Statute shall take effect until the same shall have been assented to by the Commissioners under their Seal, and shall also have received the Approbation of Her Majesty, to be signified by an Order in Council.

Right of Preference belonging to Schools not to be abolished if Governors of Schools or Charity Commissioners dissent therefrom.

XXXI. If in the Execution of the Powers of this Act it shall be proposed by any College, or by the Commissioners, to make any Regulation or Ordinance for the Abolition of any Right of Preference in Elections to any Emolument within any College now lawfully belonging to and enjoyed by any School or other Place of Education beyond the Precincts of the University, individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Regulation or Ordinance to abolish any Right of Preference in Elections to any Emolument other than a Fellowship or Studentship, no such Regulation or Ordinance shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Regulation or Ordinance would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, nevertheless, that every such Right of Preference, when retained, shall be subject to all such Regulations and Ordinances as may be made by any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid: Provided also, that where any such Governing Body as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a

prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships or Studentships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships or Studentships into Elder and Younger, the Elder only shall be taken to be Fellowships or Studentships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXII. Provided always, That where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education, for all the Purposes of this Act.

Ordinances and Regulations objected to by Governing Body of College, &c. to be laid before Parliament.

XXXIII. Provided always, That all Ordinances and Regulations framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School or Schools, to which the same respectively relate, shall, in all Cases where new Ordinances and Regulations shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

College of St. Mary of Winchester to be subject to this Act

XXXIV. The College of *Saint Mary* of *Winchester* near *Winchester* shall for the Purposes of this Act be subject to the Provisions of this Act with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University, but without Prejudice to the Powers and Authorities, if any, of the Commissioners under "The Charitable Trusts Act, 1853."

Ordinances, Regulations, and Statutes to be laid before the Queen in Council.

XXXV. All Regulations and Ordinances which, under the Power herein-before contained, shall be made by any College, and be approved of by the Commissioners, and all Ordinances and Regulations which shall be framed by the Commissioners, and shall not be objected to as aforesaid by Two Thirds of the Governing Body of the College to which the same relate, and every Statute passed by the University under the Power lastly herein-before contained, shall, after the Expiration of Two Calendar Months from the Time when the same respectively shall have

have been approved of by the Commissioners, or submitted to the College, or passed by the University, be laid before Her Majesty in Council, and forthwith published in the *London Gazette;* and it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for any other Person directly affected by such Regulations, Ordinances, or Statute, within One Month after the Publication as aforesaid in the *London Gazette*, to petition Her Majesty in Council against the Approbation thereof or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

XXXVI. All Regulations, Ordinances, and Statutes which shall be so published in the *London Gazette* as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold her Consent from such Regulations, Ordinances, or Statute, or any Parts thereof, or unless the same shall be rejected on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Regulations, Ordinances, and Statute respectively, or any Parts thereof to which such Address shall not relate, and the same shall thereupon become Statutes of the University of *Oxford*, or of the College therein to which the same respectively relate; and if any such Regulations or Ordinances or Statute, or any Part thereof, shall not be so approved by Her Majesty, then the Commissioners may thereupon proceed to frame other Regulations or Ordinances or Statute in the Matter, and so on from Time to Time as often as Occasion shall require.

Regulations, Ordinances, and Statutes to be laid before Parliament.

XXXVII. The Powers herein-before granted to Colleges with respect to themselves severally are hereby granted to the University in relation to Halls and Private Halls, so far as they may be applicable thereto, subject to the like Confirmation by the Commissioners, but such Powers shall cease on the First Day of *Michaelmas* Term One thousand eight hundred and fifty-five; and if the said University shall not by that Day have framed and submitted, for the Approval of the Commissioners, such Statutes or Ordinances as may, in the Opinion

Powers granted to Colleges granted to University as to Halls and Private Halls.

If University omit to frame Statutes, &c., it shall be incumbent on

Commissioners to do so.

Opinion of the Commissioners, be sufficient for carrying into effect the Objects of this Act with respect to existing Halls and the Establishment and Regulation of Private Halls, it shall be incumbent on the Commissioners, as soon as possible after such Day as aforesaid, to proceed themselves to frame Statutes in respect of any Matters or Things so left undone or imperfect by the said University, and such Statutes shall be laid before Her Majesty in Council, and shall be subject to all the Provisions herein-before contained touching such other Regulations, Ordinances, and Statutes as aforesaid.

Commissioners to have regard to reasonable Designs of College, &c.

XXXVIII. In giving effect to their Powers or any of them with respect to Colleges and Halls, the Commissioners shall have regard, among other things, to making due Provision, firstly, for the Wants and Improvement of the College or Hall, and the Advancement of Religion and Learning among its own Members, and, secondly, for Aid towards the Establishment of the Professoriate of the said University on an enlarged Basis in the several main Branches of Science and Letters, and with adequate Duties and Emoluments, by appropriating Portions of the divisible Revenues of any College for that Purpose, in Cases where the Founder of the College hath directed Lectures to be delivered for the Benefit of the University, or where it shall appear to the Commissioners that the College is well able to make such Provision.

Power to repeal Statutes.

XXXIX. Every Statute made by the University of *Oxford*, or by any of the Colleges thereof, by virtue of the Powers of this Act, shall be subject to Repeal or Alteration in the same Manner and to the same Extent, but not otherwise, in and to which other Statutes of the said University or College, as the Case may be, are or may be subject to Repeal or Alteration by the Authorities thereof.

Statutes by Commissioners subject to Repeal, &c.

XL. Every Statute made by the Commissioners in pursuance of the Provisions of this Act, and likewise all Provisions herein-before contained, respecting the Election, Constitution, Powers, and Proceedings of the Hebdomadal Council, and respecting the Constitution, Powers, and Proceedings of the Congregation, shall be subject to Repeal and Alteration by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Christ Church deemed a College.

XLI. For the Purposes of this Act, the Cathedral or House of *Christ Church* in *Oxford* shall be considered to be to all Intents and Purposes a College of the University.

Persons becoming Members

XLII. No Person who, after the passing of this Act, shall become a Member of any College, or shall be elected or become eligible to any

any University or Collegiate Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act

not to possess vested Interests.

XLIII. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-four, it shall not be necessary for any Person, upon matriculating in the University of *Oxford*, to make or subscribe any Declaration, or to take any Oath, any Law or Statute to the contrary notwithstanding.

Not necessary to make Declaration or take an Oath on matriculating;

XLIV. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-four, it shall not be necessary for any Person, upon taking the Degree of Bachelor in Arts, Law, Medicine, or Music in the University of *Oxford*, to make or subscribe any Declaration, or take any Oath, any Law or Statute to the contrary notwithstanding; but such Degree shall not as such constitute any Qualification for the holding of any Office which has been heretofore always held by a Member of the United Church of *England* and *Ireland*, and for which such Degree in the said University has heretofore constituted One of the Qualifications, unless the Person obtaining such Degree shall have taken such Oaths and subscribed such Declarations as are now by Law required to be made and taken on obtaining such Degree, either at the Time of taking such Degree or subsequently.

nor on taking a Degree.

XLV. From and after the passing of this Act, the Court of the Vice-Chancellor of *Oxford* shall in all Matters of Law be governed by the Common and Statute Law of the Realm, and not by the Rules of the Civil Law; and it shall be lawful for any Three of the Judges of the Superior Courts to make such Rules as they may deem fit for the Regulation of the Procedure of the said Court; and the said Court shall proceed in all Matters subject to the said Rules in conformity with the Mode of Procedure established in the County Courts.

University Court to be subject to the Rules of the Common Law.

XLVI. The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Lords Commissioners of Her Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament.

Stamp Duties abolished

XLVII. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Powers of University to continue in force, except as altered by this Act.

XLVIII. In

Oxford University.

Interpretation of Terms.

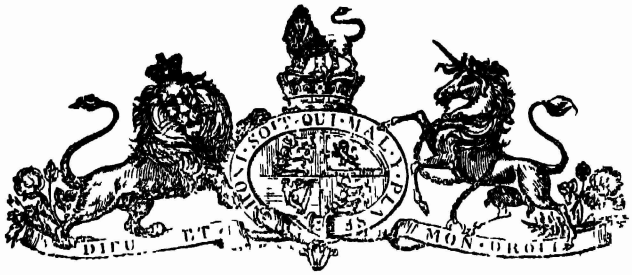
XLVIII. In the Construction of this Act, the Expression "University or College Emolument" shall include all Fellowships, Studentships, Scholarships, Exhibitions, Demyships, Postmasterships, Taberdarships, Bible Clerkships, Servitorships, and every other such Place of Emolument payable out of the Revenues of the University, or of any College, or to be held and enjoyed by the Members of any College or Hall as such within the University; the Word "Scholarship" shall include the Bursaries appropriated to any College in *Scotland*; and the Word "School" shall include Colleges in *Scotland*; and the Words "Professor" and "Professorship" shall be taken to include respectively Public Readers, Prælectors, and their several Offices; and the Words "Public Examiner" shall be taken to include Moderators and Masters of the Schools; and the Word "Hall" shall be taken to mean all Halls other than affiliated Halls or such Private Halls as are authorized by this Act; and the Governing Body of any College shall mean and include the Head and all actual Fellows thereof, being Graduates, but in the Case of *Christ Church* shall mean the Dean and Canons thereof; and the Word "Residents" shall mean and include all Members of Convocation who shall have resided Twenty Weeks within One Mile and a Half of *Carfax* during the Year that shall expire on the First Day of *September* next preceding the making and Promulgation of the Register as directed by the Fourteenth Section of this Act.

SCHE-

SCHEDULE A.

Deputy Steward.
Public Orator.
Keeper of the Archives.
Assessor of the Vice-Chancellor's Court.
Registrar of the University.
Counsel to the University.
Bodley's Librarian.
Radcliffe Librarian.
Radcliffe Observer.
Librarians and Sub-Librarians of University Libraries.
Keepers of University Museums and Repositories of Art or Science
} If authorized for the Purposes of this Schedule by Statute of the University.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. LXXXII.

An Act further to improve the Administration of Justice in the Court of Chancery of the County Palatine of *Lancaster*. [7th *August* 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of* Lancaster: And whereas according to the present Practice the Jurisdiction in Matters of Appeal from the said Court of Chancery is exercised by the Chancellor of the Duchy and County Palatine of *Lancaster* in the Court of the Duchy Chamber at *Westminster*, and sitting with Two Judges of Assize for the said County for the Time being; and such Exercise of the said Jurisdiction has been attended with much Expense and Inconvenience, and it is expedient to provide for the Exercise thereof in a more convenient Manner, and also to make further Provision for the Administration of Justice in the said Court of the County Palatine: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13 & 14 Vict. c. 43.

I. The

Court of Chancery, County Palatine of Lancaster.

Formation of Court of Appeal in Chancery of the County Palatine.

I. The Chancellor of the Duchy and County Palatine of *Lancaster* and the Two Lords Justices of the Court of Appeal in Chancery shall form the Court of Appeal in Chancery of the said County Palatine.

Powers, &c. of Court of Appeal may be exercised by Lords Justices, &c.

Saving Rights of the Chancellor sitting alone.

II. All the Jurisdiction, Powers, and Authorities of the Court of Appeal may be exercised either by One only of the said Lords Justices and the Chancellor of the said Duchy and County Palatine, sitting together as such Court of Appeal, or by both of the said Lords Justices sitting as such Court apart from the Chancellor of the said Duchy and County Palatine: Provided always, that the Chancellor of the said Duchy and County Palatine may, while sitting alone or apart from the said Lords Justices, have and exercise the like Jurisdictions, Powers, and Authorities as might have been exercised by the Chancellor of the said Duchy and County Palatine sitting alone, if this Act had not been passed.

Decrees, &c. of the Court of Appeal may be appealed from to the House of Lords.

III. All Decisions, Decrees, or Orders of the Court of Appeal shall be subject to Appeal to the House of Lords in the Cases and under the Conditions in and under which the like Decisions and Decrees or Orders of the Chancellor of the said Duchy and County Palatine, sitting alone, or together with any other Person or Persons, would have been subject to such Appeal if this Act had not been passed.

Decision of the Majority to be binding, and if Court equally divided Decree to be affirmed.

IV. The Decision of the Majority of the Court of Appeal shall be taken and deemed to be the Decision of the said Court; and if the Judges of the Court be equally divided in Opinion on any Cause or Matter brought before the Court by way of Appeal, the Decree or Order appealed from shall be taken and deemed to be affirmed.

Court of Appeal to make Regulations for Sittings and Business of the Court, and Officers now attendant on the Chancellor in Matters of Appeal to be the Officers of the Court of Appeal.

V. The Court of Appeal shall make such Regulations as may from Time to Time be necessary for fixing and regulating the Sittings and Business of the Court; and the Registrar and other Officers who, according to the existing Practice, are attendant upon the Chancellor of the said Duchy and County Palatine in Matters of Appeal in his Chancery shall be the Registrar and Officers of the Court of Appeal, and shall be in like Manner attendant upon the said Court of Appeal: Provided always, that any Order of the said Court of Appeal may and shall be drawn up by any Registrar of the High Court of Chancery, if so directed by the said Lords Justices or either of them.

Powers given by the recited Act to the Chancellor, with the Advice and Consent

VI. Whereas it was enacted by the First Section of the said recited Act that it should be lawful, from and after the passing of the said Act, for the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being, with the Advice and Consent of the Vice-Chancellor of the said County Palatine for the Time being, and

One

Court of Chancery, County Palatine of Lancaster.

One of the Vice-Chancellors of the High Court of Chancery, to be named for that Purpose by Writing under the Hand of the Lord High Chancellor or other Officer having the Custody of the Great Seal, or (if more than One) of the Chief Commissioner or Officer having such Custody, by any Rules or Orders to be by him from Time to Time made, with such Advice and Consent as aforesaid, to make such Alterations as to him might seem expedient in the Form of Writs and Commissions, and the Mode of sealing, issuing, executing, and returning the same; and also in the Form of and Mode of filing Bills, Answers, Depositions, Affidavits, or other Proceedings; and in the Form or Mode of obtaining Discovery by Answer in Writing or otherwise; and in the Form or Mode of Pleading and of taking Evidence; and generally of proceeding to obtain Relief in the Court of Chancery of the said County Palatine, and in the general Practice of the said Court; and also in the Form and Mode of proceeding before the Registrar of the said Court; and of drawing up, entering, and enrolling Orders and Decrees, and of making and delivering Copies of Pleadings and other Proceedings; and also to regulate the Taxation, Allowance, and Payment of Costs, and all other the Business of the said Court: Be it enacted, That all the Powers thereby given to the Chancellor of the said Duchy and County Palatine of *Lancaster* shall not, from and after the passing of this Act, be exercised with such Advice and Assistance as aforesaid, but shall be exercised with the Advice and Consent of One of the Lords Justices of Appeal in Chancery for the Time being and the Vice-Chancellor of the said County Palatine for the Time being.

of the Vice-Chancellor of the County Palatine and One of the Vice-Chancellors of the High Court of Chancery, to be exercised with the Advice and Consent of the Lords Justices of Appeal in Chancery and the Vice-Chancellor of the County Palatine.

VII. In all Cases in which, by reason of any Person being out of the Jurisdiction of the Court of Chancery of the said County Palatine, or otherwise, effectual Protection cannot be given to any Ward of the said Court, or to any Executor, Administrator, Officer of the Court, or other Person entitled to the Protection of the said Court, against any Action, Suit, or other Proceeding, or in which, for the same Reason or otherwise, any Contempt of the said Court cannot be effectually punished, it shall be lawful for the Court of Appeal, upon the Application of any Person concerned, to make such Order or Orders for the Protection of such Ward, or of such Executor, Administrator, Officer of the Court, or other Person as aforesaid, or for the Punishment of any such Contempt, as to the said Court of Appeal shall seem just, and according to the Practice of the High Court of Chancery in like Matters; and every such Order shall have the same Operation and Effect as an Order of the High Court of Chancery, and shall and may be enforced, and all Proceedings shall and may be had thereupon, as if the same had been made by that Court.

Court of Appeal may make Orders for the Protection of Wards or other Persons entitled to the Protection of the Court of Chancery of the County Palatine, and for Punishment of Contempt of Court, to have the Effect of Orders of the High Court of Chancery

VIII. In

In Cases where Parties are out of the Jurisdiction, Court of Appeal may either direct the Cause or Matter to be transferred to the High Court of Chancery or Service to be effected out of the Jurisdiction.

VIII. In all Cases in which any Person who may be a necessary or proper Party to any Suit or other Matter in the Court of Chancery of the said County Palatine shall not be subject to the Jurisdiction of the said Court, it shall be lawful for the Court of Appeal, on the Application of the Plaintiff in such Suit, or of any Person to whom the Conduct of such Suit may have been committed, or of the Party proceeding in such other Matter, if that Court shall think fit, and according as it shall appear to that Court best calculated to answer the Ends of Justice, either to order and direct that the said Suit or other Matter be transferred to the High Court of Chancery, or otherwise to order and direct that such Service as may be proper be effected upon such Person out of the Jurisdiction of the said Court of the said County Palatine, and such Application shall be made either *ex parte* or upon such Notice as the said Court of Appeal shall think fit: Provided nevertheless, that if such Order for Service shall have been made without Notice to any Person affected thereby, it shall be lawful for the Court of Appeal, upon the subsequent Application of any such Person, to make such Order for transferring the said Suit or other Matter to the High Court of Chancery, or otherwise, as to the said Court of Appeal shall seem just

Suits transferred to be proceeded with according to the Practice of the Court of Chancery, &c

IX. In case such Suit or Matter shall be directed to be transferred as aforesaid, all Proceedings therein shall be transmitted by the Officer of the Court of the said County Palatine to the proper Officer of the High Court of Chancery, to be filed, and the same shall thereafter be proceeded with according to the Practice of that Court; and in case Service shall be directed as aforesaid, the same shall be of such and the same Force and Effect, and such and the same Proceedings may be had thereupon, as if Service had been duly effected within the Jurisdiction of the said Court of the said County Palatine.

Provisions of recited Act as to enforcing Decrees, &c. of Court of Chancery to apply to Court of Appeal

X. The Provisions in the said recited Act contained for enforcing Decrees and Orders made by the Court of Chancery of the said County Palatine, by making them Decrees or Orders of the High Court of Chancery, shall extend and apply to Decrees or Orders made by the Court of Appeal.

All the Powers and Authorities of the Trustee Act, 1850, and the 15 & 16 Vict. c. 55., shall extend to Lands and Personal

XI. And whereas by the Twenty-first Section of the Trustee Act, 1850, it was enacted, that as to any Lands situated within the County Palatine of *Lancaster* it should be lawful for the Court of Chancery in the County Palatine of *Lancaster* to make a like Order in the same Cases as to any Lands within the Jurisdiction of the same Court as the Court of Chancery has under the Provisions therein-before contained been enabled to make concerning any Lands, and that every such Order of the Court of Chancery in the County Palatine

Palatine of *Lancaster* should, as to such Lands, have the same Effect as an Order of the Court of Chancery: Provided always, that no Person who is anywhere within the Limits of the Jurisdiction of the High Court of Chancery should be deemed by such local Court to be an absent Trustee or Mortgagee within the Meaning of that Act: And whereas by an Act of the Fifteenth and Sixteenth Years of the Queen, Chapter Fifty-five, the Provisions of the Trustee Act, 1850, were in some respects amended, and further and other Provisions made: And whereas several Provisions of the said Trustee Act, 1850, subsequent to the Twenty-first Section, and the Provisions of the said Act of the Fifteenth and Sixteenth Years of the Queen, Chapter Fifty-five, are applicable and ought to be applied to Persons and Property within the Jurisdiction of the said Court of Chancery of the County Palatine of *Lancaster*: And whereas by the Eleventh Section of the said Act of the Thirteenth and Fourteenth Years of the Queen, Chapter Forty-three, it was enacted, that when, under and by virtue of any Act of Parliament made and passed or which might thereafter be made and passed, or by any Orders or Regulations made in pursuance thereof, Application is authorized or allowed to be made by Petition or Motion, or otherwise, to the High Court of Chancery, or any Judge of the said Court, and summary Jurisdiction to be exercised thereon, (unless in any Act of Parliament to be thereafter passed the contrary should be expressly enacted,) it should be lawful for the Court of Chancery of the said County Palatine, so far only as regards all Persons and Property within its Jurisdiction, to exercise the like summary Jurisdiction, and in the same Manner and subject to the same Restrictions in all respects as the said High Court of Chancery or any Judge thereof might exercise in the like Matters: But whereas Doubts are entertained as to the Extent of the Jurisdiction of the said Court of Chancery of the said County Palatine with respect to Trust Estates within the said County Palatine, so far as relates to the Provisions of the said Trustee Act of 1850 subsequent to the Twenty-first Section, and to the Provisions of the said Act of the Fifteenth and Sixteenth Years of the Queen, Chapter Fifty-five: Be it enacted, That all the Powers and Authorities given by the said Trustee Act of 1850, and by the said Act of the Fifteenth and Sixteenth Years of the Queen, Chapter Fifty-five, to the Court of Chancery in *England*, and all the Provisions therein contained, shall and may be exercised in like Manner and are hereby given and extended to the said Court of Chancery of the said County Palatine, with respect to all Lands and Personal Estate within the said County Palatine: Provided always, that no Person who is anywhere within the Limits of the Jurisdiction of the High Court of Chancery shall be deemed by the Court of Chancery of the said County Palatine to be an absent Trustee or Mortgagee within the Meaning of the said Acts.

Property in the County Palatine.

Court of Chancery, County Palatine of Lancaster.

Powers of Court of Chancery to deal with Property of Infants, &c., and in the Administration of Assets to be exercised by Palatine Court.

XII. When under or by virtue of any Act of Parliament already made and passed or which may hereafter be made and passed Power and Jurisdiction are or shall be given to the High Court of Chancery to manage, dispose of, or deal with the Property of Infants or other Persons under Disability, or to manage, dispose of, or deal with Property in the Administration of Assets, then and in every such Case (unless in any Act the contrary be expressly enacted) it shall be lawful for the Court of Chancery of the said County Palatine, so far only as regards all Persons and Property within its Jurisdiction, to exercise the like Power and Jurisdiction in the same Manner and subject to the same Restrictions in all respects as the said High Court of Chancery might exercise in the like Matters.

Monies payable under 13 & 14 Vict. c. 43. s. 12. into the Bank of England may be paid into Branch Bank within the County Palatine.

XIII. And whereas by the Twelfth Section of the said Act of the Thirteenth and Fourteenth Years of the Queen, Chapter Forty-three, it was enacted, that all Monies payable in respect of Lands situate within the said County Palatine, and which are authorized to be paid into or deposited in the Bank of *England* to the Account of the Accountant General of the High Court of Chancery, under and by virtue of the Lands Clauses Consolidation Act, 1845, or any Local or Special Act passed or to be passed incorporating the Provisions of the said last-mentioned Act, or otherwise authorizing the taking or using of Lands situate in the said County Palatine, and also that all Monies and Securities held by any Party who might be sued in the Court of Chancery of the said County Palatine in respect thereof, and which, under and by virtue of an Act made and passed in the Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, might be in like Manner paid or transferred into or deposited in the Bank of *England* to the Account of the said Accountant General, might, from and after the passing of the said Act now in recital, be in like Manner paid or transferred into or deposited in the Bank of *England*, to the joint Account of the Clerk of the Council of the Duchy of *Lancaster* and of the Registrar and Comptroller of the said County Palatine Court, in the Matter in respect whereof such Payment, Transfer, or Deposit should be made, and that the Receipt of One of the Cashiers of the said Bank should be a full Discharge to the Person paying or transferring or depositing the same, and that such Monies and Securities, and all Costs of Application in respect thereof, should be dealt with by the said Court of Chancery of the County Palatine in the same Manner as the same might be dealt with by the High Court of Chancery, or by the Lord High Chancellor or any of the Judges of the said High Court, if such Monies or Securities had been paid or transferred into or deposited in the Bank of *England* to the Credit of the Accountant General of that Court, and the Lands in respect of which such Payment, Transfer,

Transfer, or Deposit should be made might be dealt with in the same Manner as if it had been made in manner prescribed by the Lands Clauses Consolidation Act: And whereas since the passing of the said recited Act the said County Palatine has been divided into Districts, and Registrars and Comptrollers have been appointed for such Districts respectively: Be it enacted, That any Monies and Securities to be paid or transferred or deposited under the said recited Provision may be so paid or transferred into or deposited with some one or other of the Branches of the Bank of *England* within the said County Palatine, to the joint Account of the Clerk of the Council of the Duchy of *Lancaster* and the Registrar and Comptroller of the District within which such Branch Bank is so situate, and the Receipt of the Manager, or Agent, or Cashier of such Branch Bank shall be a full Discharge to the Person paying or transferring or depositing the same, and such Payment, Transfer, or Deposit shall have the same Force and Effect as any Payment, Transfer, or Deposit made under the said recited Provision would have had: Provided always, that no Monies shall be so paid or deposited under or by virtue of the Lands Clauses Consolidation Act, 1845, or any Local or Special Act as aforesaid, in case the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Monies shall be payable, or his or her Guardian or Committee in case of Infancy or Lunacy, shall at any Time before such Payment or Deposit serve or cause to be served a Notice in Writing at the Office of the Company taking the Lands, requesting them not to make the Payment or Deposit.

Provision as to Costs and Appeal.

XIV. In all Proceedings under and by virtue of this Act the said Court of Chancery of the County Palatine and the Court of Appeal hereby constituted respectively shall have full Jurisdiction to deal with the Costs thereof and occasioned thereby, and all Orders made by the said Courts respectively, in pursuance of this Act, shall be subject to Appeal in the same Manner in all respects as any other Orders of the said Court of Chancery of the said County Palatine.

Short Titles.

XV. Whenever it shall be necessary to cite or refer to the said first-recited Act or this Act, it shall be sufficient to cite or refer to the same respectively as the "Court of Chancery of *Lancaster* Act, 1850," and as the "Court of Chancery of *Lancaster* Act, 1854."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. LXXXIII.

An Act to amend the Laws relating to the Stamp Duties. [9th *August* 1854.]

WHEREAS it is expedient to repeal the Stamp Duties now payable in respect of the several Instruments, Matters, and Things mentioned or described in the Schedule to this Act annexed, and to impose other Stamp Duties in lieu thereof, and otherwise to amend the Laws relating to Stamp Duties: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Stamp Duties on Instruments mentioned in Schedule to this Act, payable under other Acts, repealed, and the Duties named in said Schedule granted in lieu thereof.

I. From and after the Tenth Day of *October* One thousand eight hundred and fifty-four the Stamp Duties now payable in *Great Britain* and *Ireland* respectively, under or by virtue of any Act or Acts of Parliament for or in respect of the several Instruments, Matters, and Things mentioned or described in the Schedule to this Act annexed, and whereon other Duties are by this Act granted, shall respectively cease and determine, and shall be and the same are hereby repealed; and in lieu thereof there shall be granted, charged, and paid in and throughout the United Kingdom of *Great Britain* and *Ireland*, unto and for the Use of Her Majesty, Her Heirs and Successors, upon and in respect of the several Instruments, Matters, and Things

 described

described or mentioned in the said Schedule, or upon or in respect of the Vellum, Parchment, or Paper upon which any of them respectively shall be written, the several Duties or Sums of Money specified and set forth in the said Schedule, which said Schedule, and the several Provisions, Regulations, and Directions therein contained, shall be deemed and taken to be Part of this Act, and shall be applied, observed, and put in execution accordingly: Provided always, that nothing herein contained shall extend to repeal or alter any of the said Stamp Duties now payable in relation to any Bill of Exchange, Promissory Note, or other Instrument which shall have been drawn, made, or signed, or which shall bear Date before or upon the said Tenth Day of *October* One thousand eight hundred and fifty-four.

The new Duties by this Act granted to be denominated Stamp Duties, and to be under the Care of Commissioners of Inland Revenue.

Powers and Provisions of former Acts to be in force.

II. The said Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts or any Schedule thereto, relating to any Duties of the same Kind or Description heretofore payable in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be in full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the said Duties by this Act granted.

Duties on Bills drawn out of the United Kingdom to be denoted by adhesive Stamps.

III. The Duties by this Act granted in respect of Bills of Exchange drawn out of the United Kingdom shall attach and be payable upon all such Bills as shall be paid, indorsed, transferred, or otherwise negotiated within the United Kingdom wheresoever the same may be payable, and the said Duties shall be denoted by adhesive Stamps, to be provided by the Commissioners of Inland Revenue for that Purpose, and to be affixed to such Bills as herein-after directed.

Bills purporting to

IV. Every Bill of Exchange which shall purport to be drawn at any Place out of the United Kingdom shall for all the Purposes of this

this Act be deemed to be a Foreign Bill of Exchange drawn out of the United Kingdom, and shall be chargeable with Stamp Duty accordingly, notwithstanding that in fact the same may have been drawn within the United Kingdom.

be drawn abroad deemed for the Purposes of this Act to be so drawn.

V. The Holder of any Bill of Exchange drawn out of the United Kingdom, and not having a proper adhesive Stamp affixed thereon as herein directed, shall, before he shall present the same for Payment, or indorse, transfer, or in any Manner negotiate such Bill, affix thereon a proper adhesive Stamp for denoting the Duty by this Act charged on such Bill; and the Person who shall indorse, transfer, or negotiate such Bill shall, before he shall deliver the same out of his Hands, Custody, or Power, cancel the Stamp so affixed by writing thereon his Name or the Name of his Firm and the Date of the Day and Year on which he shall so write the same, to the end that such Stamp may not be again used for any other Purpose; and if any Person shall present for Payment, or shall pay or indorse, transfer or negotiate any such Bill as aforesaid whereon there shall not be such adhesive Stamp as aforesaid duly affixed, or if any Person who ought as directed by this Act to cancel such Stamp in manner aforesaid shall refuse or neglect so to do, such Person so offending in any such Case shall forfeit the Sum of Fifty Pounds; and no Person who shall take or receive from any other Person any such Bill as aforesaid, either in Payment or as a Security, or by Purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any Purpose whatever, unless at the Time when he shall so take or receive such Bill there shall be such Stamp as aforesaid affixed thereon and cancelled in the Manner hereby directed.

The Holder of a Bill drawn out of the United Kingdom to affix an adhesive Stamp thereon before negotiating it.

Penalty for negotiating such Bill without a Stamp affixed or neglecting to cancel such Stamp.

VI. If any Person shall within the United Kingdom draw and issue any Bill of Exchange payable out of the United Kingdom purporting to be drawn in a Set, and shall not draw and issue on Paper duly stamped as required by Law the whole Number of Bills which such Bill purports the Set to consist of, or if any Person shall within the United Kingdom transfer or negotiate any such Bill of Exchange as aforesaid purporting to be drawn in a Set, and shall not at the same Time transfer or deliver on Paper duly stamped as aforesaid the whole Number of Bills which such Bill purports the Set to consist of, every such Person so offending in any of such Cases shall forfeit the Sum of One hundred Pounds; and if any Person shall take or receive in the United Kingdom any such Bill as aforesaid, either in Payment or as a Security or by Purchase or otherwise, without having transferred or delivered to him duly stamped as aforesaid the whole Number of Bills which such Bill purports the Set to consist of, he shall not be entitled to recover

Penalty for drawing and issuing, or transferring or negotiating Bills purporting to be drawn in a Set, and not drawing the whole Number of the Set.

Penalty on taking or receiving such Bills.

recover on any such Bill, or to make the same available for any Purpose whatever.

Unstamped Drafts on Bankers not to be circulated beyond 15 Miles of the Place where made payable

VII. And whereas, under and by virtue of certain Acts relating to Stamp Duties, certain Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, drawn upon any Banker or Person acting as a Banker residing or transacting the Business of a Banker within Fifteen Miles of the Place where such Drafts or Orders are issued, are exempted from all Stamp Duty, and it is expedient to prevent the negotiating or circulating of such Drafts or Orders unstamped at any Place beyond the Distance of Fifteen Miles from the Place where the same are made payable: Be it enacted, That no such Draft or Order as aforesaid shall, unless the same be duly stamped as a Draft or Order, be remitted or sent to any Place beyond the Distance of Fifteen Miles in a direct Line from the Bank or Place at which the same is made payable or be received in Payment, or as a Security, or be otherwise negotiated or circulated at any Place beyond the said Distance; and if any Person shall remit or send any Draft or Order not duly stamped as aforesaid to any Place beyond the Distance aforesaid, or shall receive the same in Payment or as a Security, or in any Manner negotiate or circulate the same at any such last-mentioned Place, he shall forfeit the Sum of Fifty Pounds.

Penalty on Persons offending.

Drafts lawfully issued unstamped may by affixing thereto an adhesive Stamp be negotiated beyond the Distance of 15 Miles.

VIII. Provided always, That it shall be lawful for any Person who shall receive any such Draft or Order as aforesaid at any Place within the said Distance of Fifteen Miles from the Bank or Place at which the same is made payable, which Draft or Order shall have been lawfully issued unstamped, to affix thereto a proper adhesive Stamp, and to cancel such Stamp by Writing thereon his Name or the Initial Letters of his Name, and thereupon such Draft or Order may lawfully be received and negotiated at any Place beyond the Distance aforesaid, anything herein contained notwithstanding.

Provisions of 17 G. 3 c. 30. as extends to Drafts on Bankers repealed.

IX. And whereas an Act was passed in the Seventeenth Year of the Reign of King *George* the Third, Chapter Thirty, for restraining the Negotiation of Promissory Notes and Inland Bills of Exchange under a limited Sum: Be it enacted, That the said Act, and any Act or Acts continuing or perpetuating the same, shall, so far as they respectively extend or may be deemed or construed to extend to any Draft on a Banker for Payment of Money held for the Use of the Drawer, be and the same are hereby repealed.

Adhesive Stamps

X. The adhesive Stamps provided by the Commissioners of Inland Revenue for denoting the Duty of One Penny payable on Receipts and

and on Drafts or Orders for the Payment of Money to the Bearer or to order on Demand respectively may lawfully be used for the Purpose of denoting the like Amount of Duty either on a Receipt or on such Draft or Order as aforesaid, without regard to the special Appropriation thereof for the other of such Instruments by having its Name on the Face thereof, anything in any Act or Acts contained to the contrary notwithstanding.

denoting the Duty of One Penny may be used for Receipts or Drafts without regard to their special Appropriation.

XI. And whereas an Act was passed in the Seventh and Eighth Years of Her Majesty's Reign, Chapter Thirty-two, to regulate the Issue of Bank Notes; and an Act was passed in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Thirty-eight, to regulate the Issue of Bank Notes in *Scotland;* and another Act was passed in the last-mentioned Years, Chapter Thirty-seven, to regulate the Issue of Bank Notes in *Ireland;* and in order to prevent Evasions of the Regulations and Provisions of the said respective Acts it is expedient to define what shall be deemed to be Bank Notes within the Meaning thereof respectively: Be it enacted, That all Bills, Drafts, or Notes (other than Notes of the Bank of *England*) which shall be issued by any Banker or the Agent of any Banker for the Payment of Money to the Bearer on Demand, and all Bills, Drafts, or Notes so issued which shall entitle or be intended to entitle the Bearer or Holder thereof, without Endorsement, or without any further or other Endorsement than may be thereon at the Time of the issuing thereof, to the Payment of any Sum of Money on Demand, whether the same shall be so expressed or not, in whatever Form and by whomsoever such Bills, Drafts, or Notes shall be drawn or made, shall be deemed to be Bank Notes of the Banker by whom or by whose Agent the same shall be issued within the Meaning of the said Three several Acts last mentioned, and within all the Clauses, Provisions, and Regulations thereof respectively.

What shall be deemed Bank Notes within the Meanings of 7 & 8 Vict. c. 32. and 8 & 9 Vict. cc. 38. & 37.

XII. All Bills, Drafts, and Notes which by or under this Act, or the said Three several Acts last mentioned, or any of them respectively, are declared or deemed to be Bank Notes, shall be subject and liable to the Stamp Duties, and Composition for Stamp Duties, imposed by or payable under any Act or Acts in force upon or in respect of Promissory Notes for the Payment of Money to the Bearer on Demand; and all Clauses, Provisions, Regulations, Penalties, and Forfeitures contained in any Act or Acts relating to the issuing of such Promissory Notes, or for securing the said Stamp Duties and Composition respectively, or for preventing or punishing Frauds or Evasions in relation thereto, shall respectively be deemed to apply to all such Bills, Drafts, and Notes as aforesaid, and to the Stamp Duties and Composition payable upon or in respect thereof, anything

All Bills, Drafts, and Notes deemed Bank Notes under the above-recited Acts liable to Stamp Duties, &c.

anything in this Act, or any other Act or Acts, to the contrary notwithstanding.

Exemption from Receipt Stamp Duty of Letters acknowledging Receipt of Bills, &c., repealed.

XIII. And whereas under and by virtue of certain Acts relating to Stamp Duties, Letters by the General Post acknowledging the safe Arrival of any Bills of Exchange, Promissory Notes, or other Securities for Money are exempted from the Stamp Duty granted and imposed on Receipts or Discharges given for or upon the Payment of Money: Be it enacted, That the said Exemption shall be and the same is hereby repealed.

Receipts for Money paid to the Crown exempted from Stamp Duty.

XIV. And whereas under and by virtue of the Laws in force the Stamp Duty on Receipts given for or upon the Payment of Money to or for the Use of Her Majesty, Her Heirs or Successors, is made payable by the Person requiring any such Receipt: Be it enacted, That all such Receipts as last mentioned shall be and the same are hereby exempted from Stamp Duty.

13 & 14 Vict. c. 97.

16 & 17 Vict. c. 63.

Relief to Persons who have made Duplicates of Conveyances described in 16 & 17 Vict. c. 63.

XV. And whereas by an Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven, certain reduced Rates of Stamp Duty were granted and made payable under the Head or Title of "Duplicate or Counterpart" in the Schedule thereto annexed: And whereas by an Act passed in the last Session of Parliament, Chapter Sixty-three, certain Stamp Duties were granted and made payable upon Conveyances, Charters, Dispositions, and Contracts described under the Head or Title of "Conveyance" in the Schedule to the said last-mentioned Act, but no Provision is made for charging the Duplicates or Counterparts of the said Conveyances, Charters, Dispositions, and Contracts with the said reduced Duties, and it is expedient to give such Relief in that respect as herein-after mentioned: Be it enacted, That it shall be lawful for the Commissioners of Inland Revenue, and they are hereby required, upon Production to them of any such Conveyance, Charter, Disposition, or Contract duly stamped, and of the Duplicate or Counterpart thereof stamped for denoting the Amount of Duty chargeable upon a Duplicate or Counterpart under the said Act of the Thirteenth and Fourteenth Years of Her Majesty, to stamp the said Duplicate or Counterpart with the particular Stamp directed by the said last-mentioned Act to be impressed upon a Duplicate or Counterpart for denoting or testifying the Payment of the full and proper Stamp Duty on the original Deed or Instrument; and if the said Duplicate or Counterpart shall be stamped with any ad valorem Stamp Duty of greater Amount than the Amount of Stamp Duty so chargeable as aforesaid on a Duplicate or Counterpart, the said Commissioners shall allow and repay such Excess of Stamp Duty,

Duty, and rectify the Stamps accordingly, and thereupon such Duplicate or Counterpart shall be deemed to be duly stamped.

Deeds made for several valuable Considerations to be chargeable in respect of each.

XVI. And where any Conveyance, Charter, Disposition, or Contract described in the Schedule to this Act shall be made partly in consideration of such annual Sum as in the said Schedule is mentioned, and partly in consideration of a Sum of Money or Stock as mentioned under the Head or Title of "Conveyance" in the Schedule to the said Act of the Thirteenth and Fourteenth Years of Her Majesty, such Conveyance, Charter, Disposition, or Contract shall be chargeable with the ad valorem Stamp Duties granted by the said Acts respectively in respect of each of the said Considerations; and in any Case where any Deed or Instrument which shall be chargeable with any ad valorem Stamp Duty in respect of any Sum of Money yearly or in gross or any Stock or Security therein mentioned shall be made also for any further or other valuable Consideration, such Deed or Instrument shall be chargeable (except where express Provision to the contrary is or shall be made in any Act of Parliament) with such further Stamp Duty as any separate Deed or Instrument made for such last-mentioned Consideration alone would be chargeable with, except progressive Duty.

Commissioners of Inland Revenue, before assessing the Duty upon any Deed, may require Proof that the Facts upon which the Duty depends are truly stated.

XVII. And to prevent Fraud and Evasion of Stamp Duty in any Case where Application is made to the Commissioners of Inland Revenue to assess and charge the Stamp Duty to which any Deed or Instrument is liable, or to impress on any Deed or Instrument the particular Stamp provided to denote the Payment of the full and proper Duty on the same or on any other Deed or Instrument, or that any Deed or Instrument is not liable to any Stamp Duty, it shall be lawful for the said Commissioners to require such Evidence by Affidavit as they may deem necessary in order to show to their Satisfaction the Quantity of Words contained in any such Deed or Instrument, and whether or not the Consideration, or any definite or certain Sum or Sums of Money, Stock, or other valuable Matter or Thing capable of being ascertained and set forth, or any other Facts, upon the full or proper Statement of any of which Matters and Things in such Deed or Instrument the Stamp Duty which shall be or which ought to be payable thereon shall in any Measure depend, is or are truly and fully set forth therein; and it shall be lawful for the said Commissioners and their Officers in any Case to refuse to impress on any such Deed or Instrument, or any Duplicate or Counterpart respectively, the particular Stamp to denote the Payment of the full and proper Duty as aforesaid, except on Payment of the full Stamp Duty which would be chargeable on such Deed or Instrument if all or any of such Matters and Things aforesaid had been truly set forth therein.

XVIII. Pro-

The Affidavit not to be used for any other Purpose.

XVIII. Provided, That no such Affidavit shall be used against any Person making the same in any Proceeding whatever, except only in any Inquiry as to the Stamp Duty with which such Deed or Instrument is chargeable, and every such Person shall, upon Payment of such full Stamp Duty as aforesaid, be relieved from any Penalty, Forfeiture, or Disability he may have incurred by reason of the Omission to state truly in such Deed or Instrument any of the Facts, Matters, and Things aforesaid.

48 G. 3. c. 149.

XIX. Whereas by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, Chapter One hundred and forty-nine, certain Penalties and Disabilities were imposed upon the Parties to any Deed or Instrument of Conveyance of Property upon Sale, wherein the full Purchase or Consideration Money directly or indirectly paid or secured or agreed to be paid should not be truly expressed and set forth, and also upon the Attorney, Solicitor, Writer to the Signet, or other Person employed in or about the preparing of any such Deed or Instrument: And whereas the Sale of a Trade or Business, or the Goodwill thereof, has been erroneously considered by some Persons not to be a Sale of Property within the Meaning of the Acts imposing ad valorem Stamp Duties on the Conveyance thereof, and the Instruments whereby Property of that Description, or whereby certain Messuages, Lands, or other Property wherein or whereupon such Trade or Business has been carried on, has or have been in such Cases assigned, transferred, or otherwise conveyed to or become vested in a Purchaser may not have been stamped with the full and proper Duties with which the same were by Law chargeable, and in some Instances the Purchase or Consideration Money has been omitted to be fully and truly expressed and set forth as required by Law in such Instruments, by reason whereof the Parties to such Instruments, and the Attorney, Solicitor, Writer to the Signet, or other Person employed in or about the preparing of the same, may have incurred the Penalties, Forfeitures, and Disabilities in that Behalf mentioned in and imposed by the said Act of the Forty-eighth Year of King *George* the Third, and it is expedient that they should be relieved therefrom, and that such Instruments should be rendered available in Evidence: Be it enacted, That in any such Case as aforesaid the Parties to any such Instrument made and bearing Date on or before the Fifteenth Day of *June* One thousand eight hundred and fifty-four, and every Person employed in or about the preparing of the same, shall be and they are hereby declared to be respectively freed, discharged, and indemnified from and against any Penalties, Forfeitures, and Disabilities contained in or imposed by the said last-mentioned Act which may have been incurred by reason of any Omission to express or set forth in any such Instrument the full and

Indemnity from Penalties for omitting to state the full Purchase Money in Assignments on the Sale of Goodwill.

and true Purchase or Consideration Money upon the Sale of the Property thereby conveyed, transferred, assigned, or assured, or vested in the Purchaser; and all such Instruments shall be available in Evidence notwithstanding the full and proper ad valorem Duties which ought to have been paid in respect of the Purchase or Consideration Money therein expressed for the Conveyance, Transfer, or Assignment of any such Trade, Business, or Goodwill shall not have been paid and denoted thereon.

Stamp Duty on Licences to Pawnbrokers in Dublin reduced.

XX. And whereas it is expedient to reduce the Stamp Duty now payable on Licences to Pawnbrokers in *Dublin:* Be it enacted, That the Stamp Duty of Fifteen Pounds now payable on a Licence to be taken out yearly for exercising the Trade or Business of a Pawnbroker within the City of *Dublin*, or the *Circular Road* surrounding the same, shall be reduced to the Sum of Seven Pounds Ten Shillings.

Contracts to serve as Artificers, Servants, &c. in the Colonies exempted from Stamp Duty.

XXI. All Indentures of Apprenticeship, Bonds, Contracts, and Agreements entered into in the United Kingdom for or relating to the Service in any of Her Majesty's Colonies or Possessions abroad of any Person as an Artificer, Clerk, domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or Labourer shall be and the same are hereby exempted from all Stamp Duty.

Public Maps and Documents not to be liable to Stamp Duty by reason of their being referred to in Deeds or Writings.

XXII. And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, and by the said Act of the Thirteenth and Fourteenth Years of Her Majesty respectively, certain Stamp Duties were imposed upon any Schedule, Inventory, or Catalogue containing the Matters and Things in the said Acts respectively mentioned, which should be referred to in or by and be intended to be used or given in Evidence as Part of or as material to any Instrument charged with Stamp Duty, but which should be separate and distinct therefrom, and not endorsed on or annexed thereto, and Doubts are entertained whether the said Duties extend to certain Documents and Writings of a public Character herein-after mentioned: For the Removal of such Doubts, be it declared and enacted, That the said last-mentioned Stamp Duties shall not extend or be deemed to have extended to any public Map, Plan, Survey, Apportionment, Allotment, Award, or other parochial or public Document or Writing whatsoever made under or in pursuance of any Act of Parliament, and deposited or kept for Reference in any Registry, or in any public Office, or with the public Books, Papers, or Writings of any Parish, by reason of any such Document or Writing as aforesaid being referred to in or by any Deed or Instrument whatever, provided that such Document or Writing be not endorsed on or annexed to such Deed or Instrument.

Leases for a Period less than a Year to be chargeable with Stamp Duty on the Rent reserved.

XXIII. And whereas by the said Act of the Thirteenth and Fourteenth Years of Her Majesty and this Act respectively certain ad valorem Stamp Duties are granted and imposed upon Leases or Tacks of any Lands, Tenements, Hereditaments, or Heritable Subjects at a yearly Rent, and Doubts are entertained whether the said Duties extend to any Lease or Tack for any Term or Period less than a Year: For the Removal of such Doubts, be it enacted, That where any Lease or Tack of any Lands, Tenements, Hereditaments, or Heritable Subjects shall be made for any Term or Period less than a Year at a Rent reserved or payable for the same, such Lease or Tack shall be chargeable with the same ad valorem Duty as a Lease or Tack at a yearly Rent of the same Amount as the Sum so reserved or payable.

Allowance on the Purchase of Stamps not exceeding the Rate of 1s. Duty for Drafts, Bills, and Notes.

XXIV. And in order to encourage the Purchase of Stamps for Drafts, Bills, and Notes of the several Rates and Denominations hereinafter mentioned, and to facilitate the Distribution and Supply thereof there shall be granted and allowed to every Person who at One and the same Time shall produce at the Office of the Commissioners of Inland Revenue in *London* or *Dublin*, Paper, to be stamped with such Stamps or any of them to the Amount of Five Pounds in the whole or shall purchase such Stamps or any of them to the like Amount at the Office of the said Commissioners in *London*, *Edinburgh*, or *Dublin*, or of any Distributor or Sub-distributor of Stamps at any Place not within the Distance of Ten Miles from the said Offices respectively the Allowance following; (that is to say,) on Stamps for denoting any Rate of Duty not exceeding One Shilling on Bills of Exchange Drafts, or Orders, or Promissory Notes, an Allowance after the Rate of Seven and a Half *per Centum* on the Amount of such Stamp Duties respectively; provided that no Allowance shall be made on any Fraction of a Pound; which said Allowances are in lieu of any Allowance payable on Stamps of the like Rates and Denominations under any other Act or Acts in force.

No Charge to be made for Paper on Sale of Bill or Note Stamps where the Rate of Duty does not exceed 1s.

XXV. And in consideration that such Allowance as aforesaid is by this Act granted on the Purchase of Stamps of the several Rates and Denominations aforesaid, it shall not be lawful for any Person on the Sale of any such Stamp to make any Charge for the Paper whereon the same is impressed; and if any Person upon the Sale of any Stamp denoting any Rate of Duty not exceeding One Shilling for any Bill of Exchange, Draft or Order, or Promissory Note, shall make any Charge for the Paper whereon the same is impressed, or under any Colour or Pretence whatever demand or receive a greater Price or Sum than the Amount of the Stamp Duty, he shall forfeit the Sum of Ten Pounds.

XXVI. Where

Stamp Duties.

XXVI. Where any Person shall be possessed of any Stamps rendered useless by this Act, it shall be lawful for the Commissioners of Inland Revenue, on Application to them or to their proper Officer in that Behalf, at any Time on or before the Fifth Day of *April* One thousand eight hundred and fifty-five to cancel and make Allowance for the same as in the Case of spoiled Stamps, after deducting the Discount granted and allowed by Law on the Purchase of Stamps of the like Description.

Allowance for Stamps rendered useless by this Act

XXVII. Every Instrument liable to Stamp Duty shall be admitted in Evidence in any Criminal Proceeding, although it may not have the Stamp required by Law impressed thereon or affixed thereto.

Instruments admissible in Evidence, though not properly stamped.

The

The SCHEDULE to which this Act refers.

					Duty. £	s.	d.
INLAND BILL OF EXCHANGE, Draft, or Order for the Payment to the Bearer, or to Order, at any Time otherwise than on Demand, of any Sum of Money							
Not exceeding		-	-	- £5	0	0	1
Exceeding	£5	and not exceeding	-	10	0	0	2
"	10	"	-	- 25	0	0	3
"	25	"	-	- 50	0	0	6
"	50	"	-	- 75	0	0	9
"	75	"	-	- 100	0	1	0
"	100	"	-	- 200	0	2	0
"	200	"	-	- 300	0	3	0
"	300	"	-	- 400	0	4	0
"	400	"	-	- 500	0	5	0
"	500	"		- 750	0	7	6
"	750	"	-	- 1,000	0	10	0
"	1,000	"	-	- 1,500	0	15	0
"	1,500	"	-	- 2,000	1	0	0
"	2,000	"	-	- 3,000	1	10	0
"	3,000	"	-	- 4,000	2	0	0
"	4,000 and upwards		-	- -	2	5	0
FOREIGN BILL OF EXCHANGE drawn in, but payable out of, the United Kingdom,							
If drawn singly or otherwise than in a Set of Three or more, the same Duty as on an Inland Bill of the same Amount and Tenor.							
If drawn in Sets of Three or more, for every Bill of each Set,							
Where the Sum payable thereby shall not exceed				£25	0	0	1
And where it shall exceed £25 and not exceed -				50	0	0	2
"	50	"	-	75	0	0	3
"	75	"	-	100	0	0	4
"	100	"	-	200	0	0	8
"	200	"	-	300	0	1	0
"	300	"	-	400	0	1	4
"	400	"	-	500	0	1	8
"	500	"	-	750	0	2	6
"	750	"	-	1,000	0	3	4
"	1,000	"	-	1,500	0	5	0
"	1,500	"	-	2,000	0	6	8
"	2,000	"	-	3,000	0	10	0
"	3,000	"	-	4,000	0	13	4
"	4,000 and upwards			-	0	15	0
FOREIGN BILL OF EXCHANGE drawn out of the United Kingdom, and payable within the United Kingdom, the same Duty as on an Inland Bill of the same Amount and Tenor.							
FOREIGN BILL OF EXCHANGE drawn out of the United Kingdom, and payable out of the United Kingdom, but indorsed or negotiated within the United Kingdom, the same Duty as on a Foreign Bill drawn within the United Kingdom, and payable out of the United Kingdom.							

Stamp Duties.

				Duty. £	s.	d.
PROMISSORY NOTE for the Payment in any other Manner than to the Bearer on Demand of any Sum of Money,						
Not exceeding	- -	- -	£5	0	0	1
Exceeding	£5 - -	and not exceeding	10	0	0	2
"	10 - -	"	25	0	0	3
"	25 - -	"	50	0	0	6
"	50 - - -	"	75	0	0	9
"	75 - -	"	100	0	1	0
PROMISSORY NOTE for the Payment, either to the Bearer on Demand or in any other Manner than to the Bearer on Demand, of any Sum of Money,						
Exceeding	£100 -	and not exceeding	200	0	2	0
"	200 -	"	300	0	3	0
"	300 -	"	400	0	4	0
"	400 -	"	500	0	5	0
"	500 -	"	750	0	7	6
"	750 -	"	1,000	0	10	0
"	1,000 -	"	1,500	0	15	0
"	1,500 -	"	2,000	1	0	0
"	2,000 -	"	3,000	1	10	0
"	3,000 -	"	4,000	2	0	0
"	4,000 and upwards	- - - -		2	5	0

LEASE OR TACK of any Lands, Tenements, Hereditaments, or Heritable Subjects, for any Term of Years exceeding Thirty-five, at a yearly Rent, with or without any Sum of Money by way of Fine, Premium, or Grassum paid for the same, the following Duties in respect of such yearly Rent,

			DUTIES. If the Term shall not exceed 100 Years. £	s.	d.	If the Term shall exceed 100 Years. £	s.	d.
Where the yearly Rent shall not exceed £5 - -			0	3	0	0	6	0
And where the same shall exceed - - -	£5	and not exceed £10	0	6	0	0	12	0
" "	10	" 15	0	9	0	0	18	0
" "	15	" 20	0	12	0	1	4	0
" "	20	" 25	0	15	0	1	10	0
" "	25	" 50	1	10	0	3	0	0
" "	50	" 75	2	5	0	4	10	0
" "	75	" 100	3	0	0	6	0	0
And where the same shall exceed £100 then for every £50, and also for any fractional Part of £50 -			1	10	0	3	0	0

And where any such Lease or Tack as aforesaid shall be granted in consideration of a Fine, Premium, or Grassum, and also of a yearly Rent, such Lease or Tack shall be chargeable also, in respect of such Fine, Premium, or Grassum, with the ad valorem Stamp Duties granted under the Head or Title of "Conveyance" in the Schedule annexed to the Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven.

EXEMPTION.

Any Lease made in pursuance of the Trinity College, Dublin, Leasing and Perpetuity Act, 1851.

Stamp Duties.

CONVEYANCE of any Kind or Description whatsoever in England or Ireland, and Charter, Disposition, or Contract containing the first original Constitution of Feu and Ground Annual Rights in Scotland (not being a Lease or Tack for Years), in consideration of an annual Sum payable in perpetuity or for any indefinite Period, whether Fee Farm or other Rent, Feu Duty, Ground Annual, or otherwise -	The same Duties as on a Lease or Tack for a Term exceeding 100 Years, at a yearly Rent equal to such annual Sum.

EXEMPTIONS.

Any Lease or Tack for a Life or Lives not exceeding Three, or for a Term of Years determinable with a Life or Lives not exceeding Three, by whomsoever granted.

Any Grant in Fee Simple or in Perpetuity, made in Ireland, in pursuance of the Renewable Leasehold Conversion Act, or in pursuance of the Trinity College (Dublin) Leasing and Perpetuity Act, 1851.

All which said Leases or Tacks and Grants respectively shall be chargeable with the Stamp Duties to which the same were subject and liable before the passing of the Act 16 & 17 Vict. c. 63.

DUPLICATE or COUNTERPART and PROGRESSIVE DUTY.

EVERY SUCH LEASE or Tack, and every such Conveyance, Charter, Disposition, or Contract as aforesaid hereby charged with Duty, and the Duplicate or Counterpart thereof respectively, shall be chargeable with the respective Stamp Duties granted and made payable under the several Heads or Titles of "Duplicate or Counterpart," and "Progressive Duty," in the Schedule annexed to the Act of the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven.

LICENCE TO DEMISE Copyhold Lands, Tenements, or Hereditaments, or the Memorandum thereof if granted out of Court, and the Copy of Court Roll of any such Licence if granted in Court:

		£	s.	d.
Where the clear yearly Value of the Estate to be demised shall be expressed in such Licence and shall not exceed £75 - - - - -	The same Duty as on a Lease at a yearly Rent equal to such yearly Value, under the Act of the 13 & 14 Vict. c. 97.			
And in all other Cases - - - -		0	10	0

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. LXXXIV.

An Act to extend the Provisions of the Acts for the Augmentation of Benefices. [10th *August* 1854.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies*, the Provisions of which were extended by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Forty-five: And whereas the Powers of the said last-mentioned Act were enlarged by the Fourteenth Section of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and seven: And whereas it is expedient that the Provisions and Powers of the said Acts should be amended and enlarged: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 29 C. 2. c. 8.

I. The Powers which by the Twenty-first Section of the said Act of the First and Second of *William* the Fourth, and the Fourteenth Powers given by Sect. 21. of

1 & 2 W. 4. c. 45. and Sect. 14. of 1 & 2 Vict. c. 107. may be exercised by Incumbents, &c.

teenth Section of the said Act of the First and Second of *Victoria* are given to Rectors or Vicars of making Annexations or Grants in aid of Churches and Chapels may be exercised by the Incumbent of any Benefice whatsoever within the Meaning of the said Act of the First and Second of *William* the Fourth, and may be so exercised although Part only of the District Chapelry or Place to which the Church or Chapel belongs may be within the Limits of such Benefice, and whether such Church or Chapel may be within the Limits of such Benefice or not.

Incumbent entitled to Glebe Land, &c. may annex the same to Church of District wherein situate.

II. Where the Incumbent of any Benefice shall, in right of the same, be entitled to any Glebe Land or other Land, it shall be lawful for the Incumbent for the Time being of such Benefice, with such Consents as herein-after mentioned, by a Deed duly executed by him, to annex such Glebe Land or other Land as aforesaid, or any Part thereof, with the Appurtenances, to any Church or Chapel within the Parish, District, or Place in which such Glebe Land or other Land as aforesaid shall be situate, to the Intent that the same may be held and enjoyed by the Incumbent for the Time being of such Church or Chapel; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

Consents of Archbishop or Bishop and Patron to Annexation and Grant.

III. Every Annexation and Grant which shall be made by the Incumbent of any Benefice in pursuance of any Power herein before contained shall be made with the Consent of the Archbishop or Bishop of the Diocese within which such Benefice shall be situate, and also with the Consent of the Patron or Patrons of such Benefice, such Consent to be signified by the said Archbishop or Bishop and the said Patron or Patrons respectively executing the Instrument by which the Annexation or Grant shall be made.

Section 13. of 1 & 2 W. 4. c. 45. to extend to Annexations under this Act.

IV. In every Case in which any Land subject to any Lease shall be annexed to any Church or Chapel, in pursuance of the Power herein before in that Behalf contained, the Provisions of the Thirteenth Section of the said Act of the First and Second Years of King *William* the Fourth, Chapter Forty-five, shall apply to such Land in the same Manner as if such Provisions were herein expressly set forth; and in every Case in which any Rectory Impropriate, Tithes or Portion of Tithes, Lands, Tenements, or other Hereditaments, have been or shall be annexed to any Church or Chapel, in pursuance of any Power contained in the said Act of the First and Second Years of King *William* the Fourth, Chapter Forty-five, or in this Act, and the Premises so annexed shall be comprised together with other Hereditaments in any Lease, the Incumbent for the Time being of the said Church or Chapel

Chapel shall as to the Premises so annexed, and the Person, Corporation, or Body Politic by whom such Annexation shall have been made, and his or their Successors and Assigns, shall as to the said other Hereditaments, have the same Rights and Remedies for enforcing Payment of the Proportion of Rent payable to them respectively, and otherwise have the same Rights and Remedies under and by virtue of the Covenants, Provisoes, and Agreements contained in the said Lease as if the said Premises so annexed or the said other Hereditaments, as the Case may be, were the only Hereditaments comprised in the said Lease.

Rectories Impropriate, Tithes, &c., may be released from Rent-charges, with the Consent of Archbishop, &c.

V. Where any Rent or annual Sum of Money granted, reserved, or made payable, or to be granted, reserved, or made payable, under any of the Powers of the said herein-before mentioned Acts or of this Act, to the Incumbent of any Church or Chapel, is or shall be granted, reserved, or made payable out of or charged upon any Rectory Impropriate, Tithes, annual Revenues, Lands, Tenements, or other Hereditaments, it shall be lawful for the Incumbent for the Time being of the said Church or Chapel, by a Deed duly executed by him, to release any such Rectory Impropriate, or any of the said Tithes or annual Revenues, Lands, Tenements, or other Hereditaments respectively, or any Part thereof respectively, from the said Rent or annual Sum, and the Premises so released shall be thenceforth wholly discharged from the said Rent or annual Sum, and from all Remedies for recovering and compelling Payment thereof, but without in anywise discharging therefrom respectively any Rectory Impropriate, Tithes, and Revenues, Lands, Tenements, or Hereditaments, theretofore charged with the said Rent or annual Sum, and not by the said Deed expressed to be released, or the Person or Persons, Corporation or Body Politic, for the Time being liable for the Payment of the said Rent or annual Sum: Provided always, that every such Release shall be made with the Consent of the Archbishop or Bishop of the Diocese within which the said Church or Chapel shall be situate, and also with the Consent of the Patron or Patrons of the said Church or Chapel, such Consents to be signified by the Archbishop or Bishop and the said Patron or Patrons respectively executing the Instrument by which the Release shall be made: Provided also, that no Consent of any Archbishop or Bishop shall be given to any such Release as aforesaid unless some Rectory Impropriate, Tithes, or other Revenues, Lands, Tenements, or other Hereditaments, theretofore charged with the said Rent or annual Sum, shall remain unreleased, and be proved to the Satisfaction of the said Archbishop or Bishop to be a competent Security for the same, and be expressed to be so proved in the Instrument by which such Consent shall be signified.

VI. In

Who shall be deemed the Patron to consent.

VI. In every Case in which the Consent of the Patron or Patrons of the Benefice or of any Church or Chapel is required by any of the herein-before mentioned Acts or by this Act to the Exercise of any of the said Powers given by the herein-before mentioned Acts or any of them, or by this Act, and the Person or Persons or Body to consent as such Patron or Patrons is not by the said Act of the First and Second Years of King *William* the Fourth, Chapter Forty-five, defined, the Person or Persons or Body who, if the said Benefice or Church or Chapel were then vacant, would be entitled to present or nominate or to collate thereto, shall be deemed the Patron or Patrons whose Consent is so required.

Act to be construed as though contained in 1 & 2 W 4 c 45.

VII. The Provisions of this Act shall be read as Part of the said Act of the First and Second of *William* the Fourth, and be construed in the same Manner as if they had been contained in that Act, and as if the Provisions of that Act were here repeated, with such Alterations as to adapt the same to the Cases provided for by this Act.

As to Apportionment of Income where Two Benefices belong to the same Patron

VIII. Whereas by the Seventy-fourth Section of the Statute of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and thirteen, it was provided that Arrangements might be made in the Manner therein mentioned for the Apportionment of the Income of Two Benefices belonging to the same Patron between the Incumbents or Ministers of such Benefices, or the Churches or Chapels connected therewith: Be it enacted, That the Provisions of the last-mentioned Act in that Behalf shall apply to any Lands, Tithes, Tithe Rentcharges, or other Hereditaments or Sources Income, of what Nature or Kind soever, belonging to such Benefices, and shall apply to any Number of Benefices belonging to the same Patron, including any united Benefice, and that every Church or Chapel possessed of any Endowment, or capable of receiving the same, and also any Sinecure Rectory, so far as regards the Transfer of its Endowments or any Portion thereof to any Benefice, shall be deemed a Benefice for the Purpose of such Arrangements or any of them.

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CAP. LXXXV.

An Act for better securing the collecting and accounting for the Land Tax, Assessed Taxes, and Income Tax by the Collectors thereof.

[10th *August* 1854.]

WHEREAS, under and by virtue of the several Acts relating to the Land Tax, the Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and Offices, the respective Commissioners acting in the Execution of the said Acts respectively are authorized and empowered to require the Persons to be appointed Collectors of the said Taxes and Duties respectively to give good and sufficient Security for the duly paying such Monies assessed under the said Acts respectively as shall come to their Hands, and for the due Performance in other respects of their Duty as such Collectors, in the Manner in the said Acts respectively mentioned: And whereas, owing to the Omission of the said Commissioners to require such good and sufficient Security to be given by the Persons appointed by them to be such Collectors, or owing to the Inability of such Persons to give the requisite Security, the Inhabitants of many Parishes and Places have frequently suffered by being subjected to Re-assessment for Monies collected and misappropriated by such Collectors; and it is expedient to amend the Laws in that Behalf, and to make better Provision for securing the duly collecting, accounting for, and paying over of the said Taxes and Duties by the respective Collectors thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

 and

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners of Inland Revenue may require Security to be given by Collectors of Taxes.

I. It shall be lawful for the Commissioners of Inland Revenue, in any Case, and whenever they shall think fit, to give Notice to the respective Commissioners acting in the Execution of the said Acts relating to the said Taxes and Duties respectively, or any of them, in or for any District or Division, that the said Commissioners of Inland Revenue require that the Persons appointed or to be appointed Collectors of the said Taxes or Duties, or any of them, in or for any Parish or Place, or all or any of the several Parishes or Places specified in such Notice, and within such District or Division, shall give Security to the Satisfaction of the said last-mentioned Commissioners for the due collecting, accounting for, and paying over of the Monies collected or to be collected by such Persons respectively, and for the due Performance of their Duties as such Collectors as aforesaid; and it shall also be lawful for the said Commissioners of Inland Revenue, in any Case in which they shall think fit, to cause the like Notice to be given to any Person or Persons who may have been appointed such Collector or Collectors as aforesaid; and after such Notice to the said Commissioners acting as aforesaid it shall not be lawful for them to appoint any Person to be such Collector in or for any such Parish or Place as aforesaid unless he shall previously give such Security; and in case any Person who may have been appointed such Collector, and to whom such Notice as aforesaid shall be given, shall neglect or omit to give such Security within the Time thereby limited for that Purpose, his Appointment and Authority as such Collector shall cease and determine from the Time of such Neglect or Default

In default of Security being given, Commissioners of Inland Revenue may appoint Collectors.

II. If, after any such Notice as aforesaid given by the Commissioners of Inland Revenue, there shall be any Neglect or Delay in the Appointment of Collectors who shall previously have given such Security as by this Act is required, or any Neglect or Omission on the Part of any Person or Persons who may have been appointed such Collector or Collectors to give such Security, it shall be lawful for the Commissioners of Inland Revenue, by Warrant signed by any Two or more of them, and in such Form as they shall think proper, to appoint such Person or Persons as they shall think fit to be Collector or Collectors of all or any of the said Taxes and Duties in or for any Parish or Place, or in or for several Parishes or Places, in or with respect to which any such Neglect, Delay, or Omission as aforesaid shall have occurred; and such Person or Persons so appointed by the said Commissioners of Inland Revenue to be such Collector or Collectors as aforesaid shall have, use, and exercise and they are hereby invested with all such Powers and Authorities for the collecting, levying, and enforcing the Payment of the said Taxes and

and Duties respectively assessed or charged in the Assessment thereof for any such Parish or Place as by the Laws in force any Collector or Collectors duly appointed by the Commissioners acting in the Execution of the Acts relating to the said Taxes and Duties respectively could or might use or exercise or are invested with; and any Warrant of the Commissioners of Inland Revenue directed to any Person or Persons appointed by them to be such Collector or Collectors as aforesaid shall have the like Force and Effect, and confer the like Power and Authority, as any Warrant of the said Commissioners acting as aforesaid directed to any Person or Persons duly appointed by them to be Collector or Collectors of the said Taxes and Duties or any of them.

Security to be by Bond to Her Majesty, with Sureties approved by Commissioners of Inland Revenue.

III. The Security by this Act required to be given in pursuance of any such Notice as aforesaid shall be by Bond to Her Majesty, Her Heirs and Successors, to be entered into by such Collectors respectively, with Two or more sufficient Sureties, to be approved by the Commissioners of Inland Revenue, or with any Guarantee Society so approved, and in such Sum or Sums as the said last-mentioned Commissioners shall think proper in that Behalf; and the Condition of every such Bond shall be, that the said Collectors shall duly demand the said Taxes and Duties respectively of the several Persons on whom the same are assessed or charged, or from whom the same are payable, and in case of Nonpayment thereof that such Collectors shall duly enforce the Powers of the several Acts in that Behalf against those who make default, and that such Collectors shall duly account for and pay over all such Monies as shall come to their Hands as or for any such Taxes or Duties as aforesaid to the Receiver General of Inland Revenue, or other proper Officer appointed for the Receipt of such Taxes and Duties; and the said Condition shall also contain such further and other Terms and Provisions as the Commissioners of Inland Revenue may deem to be fit and proper for securing the duly collecting, accounting for, and paying over by the said Collectors of all such Taxes and Duties, and the true and faithful Execution of their Office of Collectors, without Fraud or Delay; and every such Bond and the Condition thereof shall be in such Form as the Commissioners of Inland Revenue shall provide or cause to be prepared for the Purposes aforesaid.

Duplicates of Assessments to be delivered to Collectors appointed by Commissioners of Inland Revenue.

IV. Upon the Appointment by the Commissioners of Inland Revenue of any Person or Persons to be the Collector or Collectors of the said Taxes and Duties or any of them in or for any Parish or Place, the Commissioners acting in the Execution of the Acts relating to such Taxes and Duties respectively shall cause Duplicates, signed by them, of the Assessments of the said Taxes and Duties respectively in or for such Parish or Place, to be delivered to such Collector or Collectors; and any Person who shall have in his Custody or Possession

session any such Duplicate, and shall refuse to deliver over the same to any such Collector, on Demand made by him for the same, shall forfeit the Sum of One hundred Pounds.

Parishes not to be answerable for the Default of Collectors appointed by Commissioners of Inland Revenue.

V. No Parish or Place shall be answerable for the Acts, Neglects, or Defaults of any Collector of the said Taxes or Duties, or any of them, who shall be appointed by the Commissioners of Inland Revenue, or who shall give Security to the Satisfaction of the said Commissioners, in pursuance of this Act, nor shall any Parish or Place be liable to be re-assessed for any Arrear or Deficiency of the said Taxes or Duties arising from any Default or Failure of such Collector.

Commissioners of Inland Revenue may provide Books of printed Forms of Receipts and Counterfoils to be used by Collectors of Taxes.

VI. It shall be lawful for the Commissioners of Inland Revenue to provide Books of printed Forms of Receipts, with Counterfoils, applicable to the Receipt of the said Taxes and Duties respectively, by the several Collectors thereof, and also to make such Orders and Regulations for the filling up and using of such Receipts and Counterfoils by the said Collectors, and for the Inspection of such Books of Forms and Counterfoils by the Inspectors or Surveyors of Taxes or other Officers, as the said Commissioners may deem to be necessary or proper for checking the Collection or Receipt of the said Taxes and Duties respectively by the several Collectors thereof; and it shall be incumbent upon and deemed to be the Duty of the said Collectors respectively to conform to and comply with such Orders and Regulations accordingly.

Collectors to give Receipts for Taxes on the proper printed Forms, and to fill up Counterfoils.

Penalty for Refusal or Neglect.

VII. Every Collector of any of the said Taxes or Duties who shall have been supplied with any such Book of printed Forms of Receipts and Counterfoils as aforesaid, upon receiving any Sum of Money for any of such Taxes or Duties to which the said Forms are applicable shall give a Receipt for the same upon One of such printed Forms, properly filled up and signed by him, and shall also properly fill up the Counterfoil of such Receipt, and keep the same remaining in the said Book; and if any such Collector shall refuse, neglect, or omit to give such Receipt as aforesaid, or to fill up and keep such Counterfoil in the Manner herein directed, or if any such Collector who shall have been supplied with any such Book of printed Forms as aforesaid shall give any Receipt for any of such Taxes or Duties otherwise than upon such proper printed Form as aforesaid, he shall forfeit for every such Offence the Sum of Ten Pounds, to be recovered in like Manner as any other Penalty may be recovered under the Acts relating to the said Taxes or Duties for which such Receipt shall have been given.

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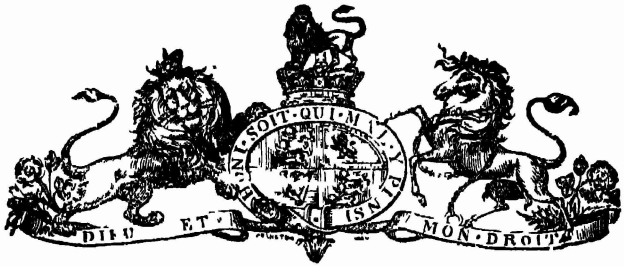

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the said Secretary of State shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

Juvenile Offenders, how to be dealt with.

II. Whenever after the passing of this Act any Person under the Age of Sixteen Years shall be convicted of any Offence punishable by Law, either upon an Indictment or on Summary Conviction before a Police Magistrate of the Metropolis or other Stipendiary Magistrate, or before Two or more Justices of the Peace, or before a Sheriff or Magistrate in *Scotland*, then and in every such Case it shall be lawful for any Court, Judge, Police Magistrate of the Metropolis, Stipendiary Magistrate, or any Two or more Justices of the Peace, or in *Scotland* for any Sheriff or Magistrate of a Burgh or Police Magistrate, before or by whom such Offender shall be so convicted, in addition to the Sentence then and there passed as a Punishment for his Offence, to direct such Offender to be sent, at the Expiration of his Sentence, to some One of the aforesaid Reformatory Schools to be named in such Direction, the Directors or Managers of which shall be willing to receive him, and to be there detained for a Period not less than Two Years and not exceeding Five Years, and such Offender shall be liable to be detained pursuant to such Direction: Provided always, that no Offender shall be directed to be so sent and detained as aforesaid unless the Sentence passed as a Punishment for his Offence, at the Expiration of which he is directed to be so sent and detained, shall be one of Imprisonment for Fourteen Days at the least; provided also, that the Secretary of State for the Home Department may at any Time order any such Offender to be discharged from any such School.

Power to Treasury to defray Cost of Maintenance at Reformatory School.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Representation of One of Her Majesty's Principal Secretaries of State, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any Juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate per Head as shall be determined by them, or such Portion of such Cost as shall not have been recovered from the Parents or Step-parents of such Child, as herein-after provided, or such other Portion as shall be recommended by the said Secretary of State.

Absconding, or refractory Conduct at Reforma-

IV. And whereas it is expedient that some Provision should be made for the Punishment of any Juvenile Offender, so directed to be detained as aforesaid in any such Reformatory School, who shall abscond therefrom,

therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Be it enacted, That it shall and may be lawful to and for any Justice of the Peace, or in *Scotland*, for any Sheriff or Magistrate of a Burgh, or Police Magistrate, acting in and for the County, City, Borough, Riding, or Division wherein the said Offender shall actually be at the Time he shall so abscond, or neglect or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal, or in *Scotland* under his Hand, to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, or Division, with or without Hard Labour, for any Period not exceeding Three Calendar Months.

tory School, how to be punished.

V. The Court by which any Juvenile Offender is ordered to be detained as aforesaid under this Act shall charge the Parent or Step-parent of such Offender, if of sufficient Ability to bear the same, with a Sum not exceeding Five Shillings per Week towards the Maintenance and Support of such Juvenile Offender while remaining in such Reformatory School, such Payment to be in relief of the Charges on Her Majesty's Treasury in all Cases where the Treasury shall have defrayed or undertaken to defray the whole or any Portion of the Maintenance of such Offender, and in all other Cases such Payment to be made to the Directors or Managers of such Reformatory School.

Cost of Maintenance to be partly recovered from Parents, &c.

VI. For the better compelling the Parent or Step-parent, as the Case may be, to support and maintain wholly or partly every such Juvenile Offender while in such Reformatory School, the Provisions contained in the Act passed in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, for compelling the Parent of every poor Person, being of sufficient Ability, at their own Charges to relieve and maintain such poor Person, and also the Provisions in the like Behalf contained in an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, and in an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, shall be respectively held and deemed and the same respectively are hereby directed to be applicable, within *England* and *Wales*, to the compelling the Parent or Step-parent respectively of every such Juvenile Offender to maintain or support him, either wholly or partly, while remaining in such Reformatory School, and for the Recovery of the weekly Payment so charged upon such Parent or Step-parent; and in *Scotland* such Payment may be sued for and recovered at the Instance of the Procurator Fiscal or of the Treasurer of such Reformatory

For compelling Parent or Step-parent to support Juvenile Offenders while remaining in Reformatory School.

59 G. 3. c. 12.

4 & 5 W. 4. c. 76.

Reformatory School in the Sheriff's Small Debt Court, and the Provisions of an Act passed in the Eighth and Ninth Years of Her Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in* Scotland, for the Punishment of Parents deserting their Children, or refusing or neglecting to maintain them, shall be held and deemed and are hereby directed to be applicable to the Case of Parents or Step-parents refusing or neglecting to pay the Amount so charged upon such Parent or Step-parent as aforesaid.

8 & 9 Vict. c. 83.

Juvenile Offenders may be removed from one Reformatory School to another.

VII. It shall and may be lawful for Her Majesty's Secretary of State for the Home Department, if he shall think fit to do so, to remove any such Youthful Offender from one Reformatory School to another: Provided always, that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School.

Act not to apply to Ireland.

VIII. This Act shall not apply to *Ireland.*

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invest Town Councils with the Power of providing Burial Grounds.

has been made for closing all or any of the Burial Grounds of One or more Parishes being wholly or partly within such Borough, that there is Difficulty or Inconvenience in providing, under the Powers of the said Act of the last Session of Parliament, requisite Places of Burial for the Inhabitants of such Parish or Parishes, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that Powers shall be vested in the Council of such Borough for providing such Places of Burial under the Provisions of this Act: Provided always, that Notice of such Petition and of the Time when it shall please Her Majesty to order that the same be taken into consideration by the Privy Council shall be published in the *London Gazette*, and in One of the Newspapers usually circulating in such Borough, One Month at least before such Petition is so considered.

Upon the making of such Order Borough Council to have all the Powers vested in Burial Boards under 16 & 17 Vict. c. 134.

II. Upon the making of any such Order of Her Majesty in Council as aforesaid in relation to any Borough, if the Town Council of the same shall decide upon providing One or more Burial Grounds, the said Town Council shall be a Burial Board for that Purpose, and the Provisions of the said Act of the last Session, and the Provisions of the Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, in the said Act of the last Session mentioned or referred to, and thereby extended and made applicable as therein mentioned, except the Provisions relating to the Constitution, Incorporation, Meetings, Entries of Proceedings, and Accounts of Buria Boards, shall, subject to the Provisions herein contained, extend and be applicable to such Borough and the Council thereof, and to any Burial Ground and any Places for the Reception of the Bodies of the Dead previously to Interment which may be provided by such Council under this Act, in like Manner as the same are applicable to any Parish and the Burial Board thereof, and to any Burial Ground and any such Places as aforesaid provided by such Burial Board, save that no Approval, Sanction, or Authorization of the Vestry of any Parish shall be requisite.

Expenses to be paid out of Borough Fund or Borough Rates.

III. Provided always, That all Expenses of carrying this Act into execution in any Borough shall, subject to the Provisions herein-after contained, be chargeable upon and paid out of the Borough Fund and Borough Rates of such Borough, or partly out of such Fund and partly out of such Rates, in like Manner as if the same were Expenses incurred in carrying into effect the Provisions of an Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six; and any Money to be borrowed under the Authority of this Act by the Council of such Borough, and the

Interest

Interest thereon, shall be charged by such Council on the Monies out of which such Expenses are by this Act directed to be paid, and the said Provisions hereby extended and made applicable to the said Council shall be construed accordingly; and any Surplus of Money raised for defraying such Expenses as aforesaid, and of the Income of any Burial Ground provided by the Council of any Borough, which if the same were provided by a Burial Board for any Parish would be applicable in aid of the Rate for the Relief of the Poor of such Parish, shall be applicable in aid of the Borough Fund or Borough Rates of such Borough, or in case a separate Rate has been levied in Parts only of such Borough, for the Purposes of this Act, as herein-after provided, then such Surplus shall be applied rateably towards Payment or Satisfaction of so much of any Borough Rate as may be leviable in such Parts of such Borough: Provided always, that such Surplus shall be ascertained upon the auditing of the Accounts of the Treasurer of such Borough in the Month of *September* in any Year.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

IV. If any Burial Board under the said Act of the last Session of Parliament, or the Council of any Borough acting under this Act, can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they think fit, so borrow accordingly in order to pay off and discharge any Security or Securities bearing a higher Rate of Interest, and to secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in like Manner as other Monies authorized to be borrowed by such Burial Board or Council under the said Act of the last Session or this Act.

Power to borrow Money to pay off former Mortgages.

V. If at the Time appointed by any Mortgage for Payment of the Principal Money secured thereby any such Burial Board or Council as aforesaid are unable to pay off the same, they may, if they think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off all or any Part of such Principal Money, and secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in like Manner as other Monies authorized to be borrowed by such Burial Board or Council under the said Act of the last Session or this Act.

Council how to act under this Act, and Conveyances and Sales of Lands how to be made.

VI. The Council of any Borough shall act in execution and exercise of their Duties, Powers, and Authorities under this Act in like Manner as in execution and exercise of their Duties, Powers, and Authorities under the said Act of the Fifth and Sixth Years of King *William* the Fourth; and every Conveyance of Lands to be purchased for the Purposes of this Act shall be taken in the Name of the Body Corporate

Corporate of such Borough, and such Body Corporate shall have Power to hold such Lands for the Purposes of this Act; and no Lands purchased under this Act by the Council of any Borough shall be sold, except with the like Approbation and subject to the like Restrictions as if sold under the said Act of the Fifth and Sixth Years of King *William* the Fourth; and the Signature of any Member or Members of such Council shall not be necessary to any Conveyance of any Lands so sold; and a Receipt under the Hand of the Treasurer of such Borough shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Burial Ground to be deemed to be for the Parishes in the Borough.

VII. The Burial Ground or Burial Grounds provided for any Borough under this Act shall be deemed to be provided for such Parish or Parishes wholly or in part situate in such Borough as the Town Council shall determine.

Council may fix a higher Rate of Payment for Interment, &c. in respect of outlying Part of any Parish partly situate in the Borough.

VIII. It shall be lawful for the Council of any Borough, if they see fit, in fixing and settling, revising and altering, the Fees, Payments, and Sums mentioned in Section Thirty-four of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, from Time to Time to fix all or any of such Fees, Payments, and Sums in respect of Interments of the Remains of Persons, being Inhabitants of that Part of any Parish partly within and partly without the Limits of such Borough which is without such Limits, and in respect of other Rights to be exercised with reference to the Interment of the Remains of such Persons, at a higher Amount than the ordinary Charge for the Time being fixed by such Council in respect of the like Matters; provided always, that such higher Amount shall be fixed with the Approval of One of Her Majesty's Principal Secretaries of State.

Order in Council may except Parishes already having Burial Grounds, and in such Case, if a Rate be necessary, a separate Rate to be made on the rest of the Borough.

IX. Where, previously to the making of any Order in Council under this Act in relation to any Borough, it appears to Her Majesty in Council, upon the Petition of the Town Council so made as aforesaid, or otherwise, that any Parish wholly or in part within such Borough is provided with a sufficient Burial Ground, it shall be lawful for Her Majesty in and by such Order to direct that no Part of such Parish shall be assessed towards defraying the Expenses of executing this Act in such Borough, and in such Case no Burial Ground provided for such Borough under this Act shall be deemed to be provided for such Parish; and any Money required to be raised in such Borough for defraying such Expenses, or paying any Money borrowed under this Act by the Council of such Borough, or

or any Interest thereon, by means of a Rate to be levied in such Borough, shall be raised by a separate Rate, to be levied within such Parts of such Borough as are not exempted under such Order from being assessed as aforesaid; and (so far as may be consistent with this Provision) the Council of such Borough shall have all such Powers for making and levying such Rate, and all Provisions shall be applicable in respect thereof, as in the Case of a Borough Rate made under the said Act of the Fifth and Sixth Years of King *William* the Fourth.

Powers of Vestry, with Consent of Bishop, of fixing and revising the Fees payable to Incumbent, &c. transferred to the Borough Council.

X. The Powers of settling and fixing the Fees or Sums to be payable to the Incumbent or Minister, and of revising and varying the Fees payable to the Incumbent, Clerk, and Sexton, and other Persons and Bodies, and of substituting for such Fees fixed annual Sums, by Sections Thirty-three and Thirty-seven of the said Act of the Fifteenth and Sixteenth Years of Her Majesty given to the Vestry, and exercisable with the Approval or Consent of the Bishop of the Diocese, as therein mentioned, shall, with respect to Fees and Sums arising in or from any Burial Ground provided under this Act by the Council of any Borough, be transferred to such Council, and be exercisable with the like Approval or Consent.

Council may appropriate Land belonging to the Borough.

XI. It shall be lawful for the Council of any Borough to appropriate for the Purposes of this Act any Land belonging to the Body Corporate of such Borough, or vested in any Feoffees, Trustees, or others, for the general Benefit of the Borough, or for any specific Charity; provided always, that where any Land so appropriated shall be subject to any charitable Use, such Land shall be taken on such Conditions only as the Court of Chancery, in the Exercise of its Jurisdiction over Charitable Trusts, shall appoint and direct.

Burial Ground not to be within 100 Yards of a Dwelling House.

XII. So much of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as enacts, that "no Ground (not already used as or "appropriated for a Cemetery) shall be appropriated as a Burial "Ground or as an Addition to a Burial Ground under that Act "nearer than Two hundred Yards to any Dwelling House, without "the Consent in Writing of the Owner, Lessee, and Occupier of "such Dwelling House," shall not extend or be applicable to or in respect of any Burial Grounds which have been or may be provided under the said Act of the last Session and this Act, or either of them, or to or in respect of any Addition which has been or may be so provided to any Burial Ground; but no Ground not already

used as or appropriated for a Cemetery shall be appropriated under the said Act of the last Session and this Act, or either of them, as a Burial Ground, or as an Addition to a Burial Ground, nearer than One hundred Yards to any Dwelling House, without such Consent as aforesaid.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. LXXXVIII.

An Act to render valid certain Marriages of *British* Subjects in *Mexico*. [10th *August* 1854]

WHEREAS certain Marriages of *British* Subjects have been solemnized at *Mexico* by Mr. *Percy W. Doyle*, formerly Her Majesty's Chargé d'Affaires and afterwards Her Majesty's Minister Plenipotentiary to the Republic of *Mexico*: And whereas Doubts may be entertained whether such Marriages are strictly legal: And whereas it is expedient to remove all Doubts touching the Validity of such Marriages: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Marriages of British Subjects which have been solemnized in Mexico to be valid.

I. All Marriages solemnized before the First Day of *January* One thousand eight hundred and fifty-four in any Place of the Republic of *Mexico* by or in the Presence of the said *Percy W. Doyle* (both or One of the Parties thereto being Subjects or a Subject of this Realm) shall be deemed and held to be as valid in the Law as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Certificates received by the Secretary of State to be sent to Registrar General, and certified Copies to be Evidence, as under 6 & 7 W. 4. c. 86.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State to transmit to the Registrar General of Births, Deaths, and Marriages in *England* all such Certificates of the Marriages solemnized as aforesaid as have been or shall be transmitted to the Office of such Secretary of State by Her Majesty's Minister Plenipotentiary or Chargé d'Affaires in *Mexico;* and all Certificates which shall be transmitted to such Registrar General by such Secretary of State as Certificates of the Marriages confirmed by this Act shall be received by such Registrar General, and shall be kept in the General Register Office in manner directed by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, "for registering Births, Deaths, and Marriages in *England*," concerning the certified Copies of Registers sent to the said Registrar General as therein mentioned; and a certified Copy of any such Certificate, such Copy purporting to be sealed or stamped with the Seal of the General Register Office, shall be received as Evidence of the Marriage to which the same relates having been solemnized as aforesaid, without further or other Proof.

Right to search and have Copies

III. All Persons shall have the like Right to search such Certificates, and to have certified Copies thereof, and upon the like Payment as provided under the said Act with respect to Searches in the Indexes to be made and kept in the said Register Office under that Act, and certified Copies of Entries in the certified Copies of Registers therein mentioned; and Section Forty-three of such Act, concerning the destroying, injuring, or falsifying of Register Books, or giving false Certificates of Entries, or certifying any false Copy or Extract, shall be applicable with respect to the Certificates to be received by the said Registrar General under this Act, in like Manner as such Enactment applies with respect to such Register Books.

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VICTORIÆ REGINÆ.

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Justices to grant Warrant for the Seizure of Spirits found in Places not being licensed.

II. It shall and may be lawful for any One or more Justice or Justices of the Peace, whether in or out of Petty Sessions, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for suspecting that Spirits are sold, kept for Sale, or exposed for Sale in any House or Place within the County, not licensed for the Sale thereof, or by some Person not having a Licence to sell Spirits in or at such House or Place, or that illicit Spirits are kept for Sale in or at any House or Place, to grant a Warrant under his or their Hand or Hands, authorizing within the Police District of *Dublin* Metropolis any Superintendent or Inspector of Police, or in any other Part of *Ireland* any Sub-Inspector, Head or other Constable of Constabulary, with his Assistants respectively, to enter such House or Place at all Times, to search for Spirits, and if any Spirits shall be found in such House or Place exceeding One Gallon, without a Permit or other legal Authority justifying the keeping thereof, or any Spirits in any Quantity whatsoever, the full Duties whereon shall not have been duly paid, shall be found in such House or Place, to seize such Spirits together with the Vessel in which the same are contained; and such Warrant shall continue in force for One Month from the Date thereof, and shall be a sufficient Authority to the Superintendent, Inspector, Sub-Inspector, Head or other Constable therein named, and his Assistants respectively, such Assistants being Members of the Constabulary Force, in his Presence to enter into such House or Place, and seize all such Spirits as aforesaid and the Vessel containing the same, and to carry away and deliver the same to some Revenue Officer; and the Person on whose Premises such Spirits shall be found as aforesaid shall on Conviction be liable—

For the First Offence, to a Fine not exceeding Five Pounds nor less than Two Pounds, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months nor less than One Month:

And for the Second and every subsequent Offence, to a Fine not exceeding Ten Pounds nor less than Five Pounds, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Six Months nor less than Three Months:

And all such Spirits and the Vessels containing the same so seized as aforesaid shall be forfeited.

Penalty on Persons selling Spirits, &c. without Licence.

III. Every Person, not being duly licensed to sell Wine, Spirits, Beer, Ale, Cider, or Perry, who shall sell, or keep for Sale, or expose for Sale, any Wine, Spirits, Beer, Ale, Cider, or Perry, shall for every such Offence be liable—

For the First Offence, to a Fine not exceeding Two Pounds nor less than Five Shillings, or to be imprisoned, with or without Hard Labour, for any Term not exceeding One Month nor less than One Week:

And

And for the Second and every subsequent Offence, to a Fine not exceeding Five Pounds nor less than Twenty Shillings, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months nor less than One Month:

And for the Purpose of any such Conviction it shall be sufficient to prove that Wine, Spirits, Beer, Ale, Cider, or Perry was kept for Sale or exposed for Sale by such Person or on his Premises, or had been illegally consumed on such Premises, at any Time within Two Months preceding such alleged Offence; and if any Person be found drunk in such House, or having the Appearance of having been recently drinking it shall be deemed Evidence of his having been drinking in such House, and of the unlawful Consumption of Wine, Spirits, Beer, Ale, Cider, or Perry, unless the contrary be proved.

Justices empowered to grant Warrant for entering unlicensed Premises.

IV. If any Superintendent, Inspector, or Serjeant of the *Dublin* Metropolitan Police, or any Sub-Inspector, Head or other Constable of Constabulary, or other credible Witness, shall make Oath in Writing before a Justice of the Peace that the said Superintendent, Inspector, Serjeant, Sub-Inspector, Head or other Constable, or credible Witness, has good Reason to believe that Wine, Spirits, Beer, Ale, Cider, or Perry are retailed or sold without a Licence, or kept for Sale without Licence, in any Room, House, or other Place, it shall be lawful for such Justice to grant a Warrant authorizing, within the Police District of *Dublin* Metropolis, any Superintendent, Inspector, or Serjeant of Police, and in any other Part of *Ireland* any Sub-Inspector, Head or other Constable of Constabulary, with his Assistants respectively, to enter into any such Room, House, or other Places as aforesaid at all Times, and such Warrant shall continue in force for One Month from the Date thereof; and if any Person shall be found to be drinking or tippling, or having the Appearance of having been recently drinking or tippling, on such unlicensed Premises, such Person may be summoned before the Justices of the Peace in Petty Sessions, or Divisional Justices of the Metropolitan Police District of *Dublin*, as the Case may be, or may be lawfully apprehended and brought, so soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law, and upon Conviction of his having been so drinking or tippling on such unlicensed Premises shall be liable—

Penalty on Persons found therein.

For the First Offence, to a Fine not exceeding Five Shillings nor less than Two Shillings and Sixpence, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Twenty-four Hours nor less than Twelve Hours from the Time of his Conviction:

And for the Second and every subsequent Offence, to a Fine not exceeding Ten Shillings nor less than Five Shillings, or to be imprisoned as aforesaid for any Time not exceeding One Week nor less than Three Days:

And

And in all Cases where such Person shall be found drinking or tippling, or having the Appearance of having been recently drinking or tippling, on such unlicensed Premises, it shall be lawful for any such Superintendent, Inspector, Serjeant, Sub-Inspector, Head or other Constable, and his Assistants respectively, to seize any Quantity of Wine, Spirits, Beer, Ale, Cider, or Perry found on such Premises, together with the Vessel containing the same, and all Vessels, Jugs, or Glasses used in the Sale or Consumption thereof, and on Conviction of any such Person so found as aforesaid such Spirits, Wine, Beer, Ale, Cider, or Perry, Vessels, Jugs, and Glasses, so seized, shall be forfeited, and shall be delivered to some Revenue Officer.

Penalty on Persons delaying or refusing Admittance to Justice, &c.

V. If any Person occupying any House or Place, or any Person aiding or assisting such Occupier, on Demand made of Entrance by any Justice of the Peace, or Superintendent, Inspector, or Serjeant of Police, Sub-Inspector, Head or other Constable respectively, and on his stating that he seeks to enter by virtue of his Office as a Justice of the Peace, or by the Authority of a Warrant from a Justice of the Peace (which Warrant he shall produce when required so to do), shall delay or refuse to admit such Justice, Superintendent, Inspector, Serjeant, Sub-Inspector, Head or other Constable, or his Assistants respectively, into such House or Place for the Purpose of executing such Warrant as aforesaid, such Person shall forfeit and pay a Sum not exceeding the Sum of Two Pounds nor less than Ten Shillings, or be imprisoned for any Term not exceeding One Fortnight nor less than One Week, unless Proof shall be made to the Satisfaction of the Justice or Justices who may hear the Complaint that there was reasonable Cause for giving such Delay or Refusal: Provided always, that for the Purpose of such Conviction as last aforesaid, Proof to the Satisfaction of the Justice who may hear the Complaint that Spirits were sold or kept or exposed for Sale in such Room, House, or Place where such Person was so found therein shall be sufficient Evidence that no Licence then existed for selling Spirits, unless the contrary be proved.

Constabulary to stop Spirits in transitu, and demand and date Permits.

VI. As to Spirits *in transitu* or Process of Removal from one Place to another, it shall and may be lawful for any County Inspector, Sub-Inspector, Head or other Constable of Constabulary, to demand from any Person having in his Custody or Possession any Spirits in any Quantity whatsoever exceeding One Gallon a proper Permit or Certificate authorizing the Removal of such Spirits, and on the Production of any such Permit or Certificate to endorse the same with his own Name, together with the Place, Date, and Time of such Endorsement; and in case no Permit or Certificate shall be produced, or any Permit the Limitation of which shall have expired, it shall be lawful for such County Inspector, Sub-Inspector, Head or other Constable, to seize such Spirits, together with the Vessel containing

Power to seize Spirits, &c. in case no Permit produced.

containing the same, and the Horse or other Cattle, and Cart or other Carriage, used in the Removal thereof, and to arrest the Person in whose Possession or Custody the same shall have been found, and to convey him, as soon as conveniently may be, before a Justice of the Peace, to be dealt with as herein directed; and the Person in whose Possession or Custody such Spirits shall have been found without such Permit or Certificate, or with any Permit the Limitation of which shall have expired, shall be liable—

For the First Offence, to a Penalty not exceeding Five Pounds nor less than Twenty Shillings, or to be imprisoned, with or without Hard Labour, for a Term not exceeding Three Months nor less than One Month:

And for the Second and every subsequent Offence, to a Penalty not exceeding Ten Pounds nor less than Forty Shillings, or to be imprisoned as aforesaid for a Term not exceeding Six Months nor less than Two Months.

Persons duly licensed may sell Spirits, &c. at public Races, &c.

VII. Nothing herein contained shall extend to prohibit any Person or Persons duly licensed under any Act or Acts relating to the Excise Laws in *Ireland* to carry on his Trade or Business, for which he shall be so licensed as aforesaid, in Booths, Tents, or other Places, at the Time and Place and within the Limits of holding any lawful and accustomed Fair, or at any public Races, or shall authorize the Seizure of Wine, Spirits, Beer, Ale, Cider, or Perry in any such Booth, Tent, or other Place, within the Limits aforesaid, in which such Person so licensed shall so carry on his Trade, or the taking or apprehending of any Person therein at any Time or Hour during which the Sale of Spirits is not prohibited by Law.

Proceedings to be had under the Petty Sessions Act, 1851.

VIII. All Proceedings under this Act shall be conducted, and all Penalties imposed and Costs awarded under this Act shall be sued for, levied, and recovered, and any Conviction under this Act shall be appealed from, as by the "Petty Sessions (*Ireland*) Act, 1851," is directed, provided, and enacted, except where otherwise specially exempted or provided for in the said Act and this Act, anything in any former Act or Acts to the contrary notwithstanding.

Persons applying for Excise Licence to give Notice to Constabulary Officer and Superintendent of Police.

IX. From and after the Commencement of this Act, every Person who shall apply for a Certificate to obtain an Excise Licence, under or by the Authority of any Act or Acts for the Sale of Wine, Spirits, Beer, Ale, Cider, or Perry by Retail in *Ireland*, to be drank or consumed on the Premises or elsewhere, shall, Twenty-one Days at least before the Quarter Sessions at which such Application is intended to be made, give Notice in Writing to the Sub-Inspector of the District in which he resides, or in his Absence to the Head Constable, or if in the Metropolitan *Dublin* Police District to the Superintendent of Police of the Division in which such Person resides, stating the

Intention of such Person to make such Application, and setting forth his Place of Residence, the Situation and Place of the House where such Wines, Spirits, Beer, Ale, Cider, or Perry are to be sold, and the Names and Places of Abode of the Persons whom such Person requiring such Certificate proposes as Sureties.

Constabulary Officer or Superintendent of Police may object to the Issue of Certificate.

X. The Sub-Inspector of the District, or in his Absence the Head Constable, or if in the Metropolitan *Dublin* Police District the Superintendent of Police of the Division, shall be and is hereby authorized to object to such Certificate before the Justices at the Quarter Sessions or Recorder, as the Case may be, and the Justices or Recorder shall proceed to consider, examine on Oath into, and adjudicate upon the Truth, Sufficiency, and Validity of such Objection; and it shall be lawful to require the Applicant to answer whether he belongs to any unlawful Society or not, but any Admission by such Applicant is not to be used in Evidence in any Prosecution against the Party making it; and if such Justices or Recorder shall be satisfied of the Truth and Sufficiency of such Objection, they may prohibit such Certificate to be issued, in like Manner as they are authorized to do according to Law.

Excise Officer not to grant a Renewal Licence without Certificate of Justices.

XI. From and after the Commencement of this Act, it shall not be lawful for any Officer of Excise in *Ireland* to grant a Renewal of any such Licence as aforesaid to any Person applying for such Renewal at and for the same House as shall have been licensed in the Year last immediately preceding, and whose Licence shall not have been withdrawn or annulled, without such Person producing a Certificate, signed by Two or more Justices of the Peace presiding at the Petty Sessions of the District in which such Person resides, or if in the *Dublin* Metropolitan Police District by a Divisional Justice of the District in which such Person resides, to the good Character of such Person, and to the peaceable and orderly Manner in which such House had been conducted in the past Year.

For removing Doubts as to Right of Entry under the Act 8 & 9 Vict. c. 64

XII. And whereas by the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-four, intituled *An Act to amend certain Regulations respecting the Retail of Spirits in* Ireland, Power is given to any Justice of the Peace, or any Chief or other Constable or Overseer, within the Limits of his Jurisdiction, to enter into any House or Place kept open for the Sale of Spirits to be consumed elsewhere than in such House or Place: And whereas Doubts have arisen as to whether the Right of Entry extends to every Part of such House or Place, or only to the particular Part entered as licensed for such Sale of Spirits in the Books of the Inland Revenue Department:

From and after the Commencement of this Act, the Words "Chief or other Constable" shall be construed to mean and include any County Inspector,

Inspector, Sub-Inspector, Head or other Constable of Constabulary, or any Superintendent, Inspector, or Constable of the *Dublin* Metropolitan Police; and the Words "House or Place" in this and the aforesaid Act, or any other Act or Acts relating to the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry in *Ireland*, shall be construed to mean and to extend to every Room, Closet, Cellar, Yard, Stable, Outhouse, Shed, or any other Place whatsoever of, belonging, or in any Manner appertaining to such House or Place; and whatever particular Part of such House or Place shall be entered in the said Books of the said Inland Revenue Department as licensed under the said Act of the Eighth and Ninth Years of Her Majesty, or any other Acts relating to the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry, as aforesaid, it shall be lawful for any such Justice of the Peace, Chief or other Constable, or Overseer, or any Officer of Excise, with their Assistants respectively, to enter every Room, Closet, Cellar, Yard, Stable, Outhouse, Shed, or any other Place whatsoever belonging to such House or Place.

Definition of Terms "House or Place."

Definition of Entry in Books of Inland Revenue Department

XIII. And for the better Prevention and Suppression of Offences against the Laws relating to illicit Distillation in *Ireland*, from and after the passing of this Act, whenever and from Time to Time as often as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall see fit so to order and direct, it shall and may be lawful for the County Inspector, Sub-Inspector, Head or other Constable within any County, County of a City, or County of a Town, or in any One or more Barony or Baronies or Half Barony or Half Baronies in such County at large, or any Part or Parts or District or Districts of any such County or County of a City or County of a Town named in any Order issued in that Behalf, to exercise all the Powers and Authorities and to have and possess all the Privileges granted to Officers of Excise by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits* in Ireland, in searching for private Stills, Wort, Wash, Potale, Low Wines or Singlings, or Spirits, and Corn and Grain making into Malt, and in arresting and detecting Persons discovered in the Place where private making of Wort, Wash, or Potale, or Distillation of Spirits or making of Malt, is carrying on, as fully and effectually as if the Clauses in the said Act had been repeated and re-enacted in the Body of this Act, and made to apply to such County Inspector, Sub-Inspector Head or other Constable as aforesaid.

Lord Lieutenant may order the Constabulary to exercise Powers, &c. granted by 1 & 2 W. 4. c. 55. in the Suppression of illicit Distillation.

XIV. Provided always, That no such Order as aforesaid shall be issued after the Expiration of Three Years from the passing of this Act, nor shall any such Order continue in force after the Expiration

Duration of last foregoing Enactment.

ration of the said Term of Three Years; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time within the said Term of Three Years, to revoke any such Order as aforesaid for the Time being in force; and from and after such Revocation such County Inspector, Sub-Inspector, Head or other Constable as aforesaid, shall cease to exercise and possess such Powers, Authorities, and Privileges as aforesaid.

Regulations to be made for the Guidance of the Constabulary employed in the Prevention, &c. of illicit Distillation.

XV. And it shall and may be lawful for the Inspector General of the Constabulary Force of *Ireland*, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time to frame Rules and Regulations for the Guidance of the said Constabulary Force in the Prevention or Suppression of illicit Distillation in such Districts as aforesaid, and for the making of Returns to the Lord Lieutenant or other Governors of *Ireland* of all Seizures whatsoever made, and of the Apprehension of Offenders by any County Inspector, Sub-Inspector, Head or other Constable of the said Constabulary Force, and also of all other Measures taken for or towards the Prevention or Suppression of illicit Distillation, under the Authority of such Orders as aforesaid.

Such Regulations to be laid before Parliament.

XVI. A Copy of all Rules, Regulations, or Orders which may be made by the Inspector General of Constabulary for the Guidance of the said Constabulary Force to carry into effect the Provisions of this Act shall be laid before Parliament within Six Weeks from the Date of the Issuet hereof, if Parliament be then sitting, or if not then sitting, within Six Weeks from the Day of the next ensuing Meeting of Parliament.

As to Disposal of Seizures made by Constabulary.

XVII. All Seizures made under the Provisions of this Act by the said Inspector or Superintendent or Serjeant of Police, or by any County Inspectors, Sub-Inspectors, Head or other Constables, shall be, as soon as conveniently may be, delivered over to the Officer or Supervisor of Excise most convenient to the Place where such Seizure shall have been made, to be dealt with as is directed by the said Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth for the Suppression of illicit Distillation in *Ireland*.

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Not to affect the Law as to Pawnbrokers.

IV. Provided always, That nothing herein contained shall extend or be construed to extend to repeal or affect any Statute relating to Pawnbrokers, but that all Laws touching and concerning Pawnbrokers shall remain in full Force and Effect, to all Intents and Purposes whatsoever, as if this Act had not been passed.

SCHEDULE referred to by the foregoing Act.

ACTS and PARTS of ACTS of the Parliaments of England, Great Britain, and the United Kingdom of Great Britain and Ireland.

37 Hen. 8. c. 9. -	The whole of an Act passed in the Thirty-seventh Year of the Reign of King Henry the Eighth, intituled "A Bill against "Usury."
13 Eliz. c. 8. -	The whole of an Act passed in the Thirteenth Year of the Reign of Queen Elizabeth, intituled "An Act against Usury."
21 Jac. 1. c. 17. made perpetual by 3 Car. 1. c. 4. s. 5.	So much of an Act passed in the Third Year of the Reign of King Charles the First as enacts that an Act passed in the Twenty-first Year of King James the First, intituled "An Act against Usury," be made perpetual.
12 Car. 2 c. 13. -	The whole of an Act passed in the Twelfth Year of the Reign of King Charles the Second, intituled "An Act for the restraining "the taking of excessive Usury."
Confirmed by 13 Car. 2. Stat. 1. c. 14.	So much of an Act passed in the Thirteenth Year of the Reign of King Charles the Second, intituled "An Act for confirming an Act "intituled 'An Act for encouraging and "'increasing of Shipping and Navigation,' and "several other Acts, both public and private, "mentioned therein," as confirms the hereinbefore mentioned Act of the Twelfth Year of the same Reign.

12 Anne,

12 Anne, Stat. 2. c. 16.	The whole of an Act passed in the Twelfth Year of the Reign of Queen Anne, intituled "An Act to reduce the Rate of "Interest, without any Prejudice to Parliamentary Securities."
53 Geo. 3. c. 141. -	The whole of an Act passed in the Fifty-third Year of the Reign of King George the Third, intituled "An Act to repeal an Act of the "Seventeenth Year of the Reign of His "present Majesty, intituled 'An Act for "'registering the Grants of Life Annuities, "'and for the better Protection of Infants "'against such Grants, and to substitute "'other Provisions in lieu thereof,'" except so much thereof as repeals the said Act of the Seventeenth Year of King George the Third.
3 Geo. 4. c. 92. -	The whole of an Act passed in the Third Year of the Reign of King George the Fourth, intituled "An Act to explain an Act of "the Fifty-third Year of the Reign of His "late Majesty, respecting the Enrolment "of Memorials of Grants of Annuities."
7 Geo. 4. c. 75. -	The whole of an Act passed in the Seventh Year of King George the Fourth, intituled "An Act to explain an Act of the Fifty-"third Year of the Reign of His late "Majesty, respecting the Enrolment of "Memorials of Grants of Annuities."
5 & 6 W. 4. c. 41. -	So much of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to amend the "Law relating to Securities given for Con-"siderations arising out of gaming, usurious, "and other illegal Transactions," as relates to Securities given for Considerations arising out of usurious Transactions.
13 & 14 Vict. c. 56.	The whole of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to "continue the Act for exempting certain "Bills of Exchange and Promissory Notes "from the Operation of the Usury Laws."

Acts

Acts of the Parliament of Scotland.

An Act of the Eleventh Parliament of King James the Sixth, Chapter Fifty-two, "It is not lesum to take ane greater annual Rent for the 100 Poundes nor Ten Poundes, or Five Bolls Victual."

An Act of the Fourteenth Parliament of King James the Sixth, Chapter Two hundred and twenty-two, "For Punishment of Com-" mitters of Usury."

An Act of the Fifteenth Parliament of King James the Sixth, Chapter Two hundred and fifty-one, "It is not leasum to take mair " annuall Rent or Profet nor Ten for the Hundreth."

An Act of the Sixteenth Parliament of King James the Sixth, Chapter Seven, "Explanation of the Acts of Parliament anent " Ocker and Usury."

An Act of the Twenty-third Parliament of King James the Sixth, Chapter Twenty-eight, "Anent taking of annual Rent beforehand to " be Usurie."

Acts of the Parliament of Ireland.

An Act of the Tenth Year of King Charles the First, Session Two, Chapter Twenty-two, intituled "An Act against Usury."

An Act of the Second Year of Queen Anne, Chapter Sixteen, intituled "An Act for reducing of Interest of Money to Eight per " Cent. for the future."

An Act of the Eighth Year of King George the First, Chapter Thirteen, intituled "An Act for reducing the Interest of Money to " Seven per Cent."

An Act of the Fifth Year of King George the Second, Chapter Seven, intituled "An Act for reducing the Interest of Money to Six " per Cent."

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after the passing of this Act the Commissioners of Supply of each County, and the Magistrates of each Burgh, shall hold a Meeting and adopt such Measures as will enable the First Valuation Roll under this Act to be made up by the Fifteenth Day of *August* One thousand eight hundred and fifty-five.

Officer of Inland Revenue to assist the Commissioners of Supply and Magistrates in making up the Valuation Roll.

II. In making up the Valuation Roll the Commissioners of Supply and Magistrates respectively may take the Assistance of the Officer of Inland Revenue charged with the Duty of assessing to the Income Tax in such County or Burgh respectively; and such Commissioners and Magistrates respectively may, from Time to Time, as often as they may deem it necessary, by their Order in Writing, to be signed by their Clerk, require any Officer of Inland Revenue, charged with the Duty of assessing the Income Tax in such County or Burgh respectively, to appear before them when, and where, and as often as such Commissioners and Magistrates respectively may deem expedient, and to produce all Assessments and other Documents in the Custody or Power of such Officer relating to the Value of, or Assessment on, all or any of the Property within the several Parishes or Places within his District or Division, and to be examined on Oath, and answer such Questions as the said Commissioners and Magistrates respectively may put to him touching the said Assessments or the Value of the Property contained therein: Provided always, that it shall be in the Power of such Commissioners or Magistrates, if they think fit, not to insert in any Valuation Roll under this Act the Names or Designations of the Tenants or Occupiers of any Lands and Heritages separately let for a shorter Period than One Year, or at a Rent not amounting to Four Pounds *per Annum*.

Appointment and Duties of Assessors.

III. In order to the making up of such Valuation, the Commissioners of Supply of each County and the Magistrates of each Burgh respectively shall, as Occasion requires, appoint One or more fit and proper Persons to be Assessors or Assessor for the Purposes of this Act; and it shall be the Duty of such Assessors annually to ascertain and assess the yearly Rent or Value of the several Lands and Heritages within the County or Burgh respectively, other than the Lands and Heritages of Railway and Canal Companies, which are herein-after specially provided for, and to make up such Valuation Roll thereof in the Manner by this Act prescribed; and every such Assessor shall be appointed either for the whole County or Burgh, or for some particular Portion or District thereof to be prescribed by the Commissioners of Supply or Magistrates respectively; and every such Assessor shall, on being appointed by the said Commissioners of Supply or Magistrates respectively, and before entering upon the Duties of his Office, declare that he will faithfully and honestly perform

perform the Duties thereof; and every such Assessor shall be removeable at the Pleasure of the said Commissioners or Magistrates respectively.

Assessors to make up Valuation Roll by 15th August in each Year.

IV. In every County and Burgh the First Valuation Roll to be made up as aforesaid under this Act shall be made up by the Assessors acting under this Act on or before the Fifteenth Day of *August* One thousand eight hundred and fifty-five; and a new Valuation Roll shall be annually made up by the Assessors on or before the Fifteenth Day of *August* in every subsequent Year.

Notice to be given to Persons whose Property is valued.

V. On or before the Twenty-fifth Day of *August*, and not earlier than the Fifteenth Day of *July* in each Year, the Assessor shall transmit or cause to be transmitted to each Person included in his Valuation, whether as Proprietor or Tenant or Occupier, a Copy of every Entry in such Valuation Roll wherein such Person shall be set forth either as Proprietor or Tenant or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Valuation he may appeal against the same to the Commissioners of Supply of the County or to the Magistrates of the Burgh, as the Case may be, in Terms of this Act, or may obtain Redress without the Necessity of such Appeal, by satisfying the Assessor, on or before the Eighth Day of *September* in each Year, that he has well-founded Ground of Complaint; and such Copy and Notice may be served by handing the same to such Person personally, or leaving the same, or sending it through the Post Office, at his Residence or usual Place of Abode; and where the Residence or Place of Abode of such Person is unknown, it shall be sufficient if Service be made as aforesaid upon his Factor or Agent, or be addressed to him at the Office of the Clerk of Supply of the County or Town Clerk of the Burgh, as the Case may be: Provided always, that where, in making up his Valuation as aforesaid, the Assessor is merely to repeat an Entry which occurred in the Valuation of the immediately preceding Year, it shall not be necessary for the Assessor to transmit such Copy and Notice as aforesaid to the Person or Persons specified in such merely repeated Entry.

Yearly Rent or Value, how to be estimated.

VI. In estimating the yearly Value of Lands and Heritages under this Act, the same shall be taken to be the Rent at which, one Year with another, such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year; and where such Lands and Heritages consist of Woods, Copse, or Underwood, the yearly Value of the same shall be taken to be the Rent at which such Lands and Heritages might in their natural State be reasonably expected to let from Year to Year, as Pasture or Grazing Lands; and where

where such Lands and Heritages are *bonâ fide* let for a yearly Rent conditioned as the fair annual Value thereof, without Grassum or Consideration other than the Rent, such Rent shall be deemed and taken to be the yearly Rent or Value of such Lands and Heritages in Terms of this Act: Provided always, that if such Lands and Heritages be let upon a Lease the stipulated Duration of which is more than Twenty-one Years from the Date of Entry under the same, or in the Case of Minerals more than Thirty-one Years from such Date of Entry, the Rent payable under such Lease shall not necessarily be assessed as the yearly Rent or Value of such Lands and Heritages, but such yearly Rent or Value shall be ascertained in Terms of this Act irrespective of the Amount of Rent payable under such Lease, and the Lessee under such Lease shall be deemed and taken to be also the Proprietor of such Lands and Heritages in the Sense of this Act, but shall be entitled to Relief from the actual Proprietor thereof, and to Deduction from the Rent payable by him to such actual Proprietor, of such Proportion of all Assessments laid on upon the Valuations of such Lands and Heritages made under this Act, and payable by such Lessee as Proprietor in the Sense of this Act, as shall correspond to the Rent payable by such Lessee to such actual Proprietor as compared with the Amount of such Valuation.

Assessor may call for written Statement of Rent.

VII. It shall be lawful for any Assessor acting under this Act to call upon any Person, being a Proprietor or reputed Proprietor or Tenant or Occupier within the County or Burgh or District for which such Assessor is appointed, for a written Statement of the yearly Rent or Value and of all other Particulars required by this Act of all Lands and Heritages within such County or Burgh or District of which such Person is Proprietor or reputed Proprietor, or Tenant or Occupier; and if any such Person shall, without reasonable Excuse, fail to furnish such written Statement to such Assessor within Fourteen Days after he shall be called upon in Writing so to do, he shall be liable to pay a Penalty not exceeding Twenty Pounds; and if any such Person shall present or cause to be presented to such Assessor any false Statement of such yearly Rent or Value or other Particulars as aforesaid, he knowing the same to be false, he shall be liable to pay a Penalty of Fifty Pounds.

Courts of Appeal.

VIII. The Commissioners of Supply of every County and the Magistrates of every Burgh shall annually on or before the Fifteenth but not earlier than the Tenth Day of *September* in each Year hold a Court for hearing Appeals against Valuations made by such Assessors as aforesaid under this Act, of which Ten Days Notice shall be given, which Court may be adjourned from Time to Time; and at such Court, and at latest on or before the Thirtieth Day

Day of *September* in each Year, all such Appeals and Complaints under this Act shall be disposed of; and such Courts or adjourned Courts of Appeal shall be held in such and as many Places within such County and Burgh respectively as such Commissioners and Magistrates respectively shall appoint; and the Deliverances of such Commissioners and Magistrates respectively upon such Appeals and Complaints shall be final and conclusive, and not subject to Review.

Persons entitled to appeal.

IX. All Persons whose Names shall have been entered by the Assessors in the Valuation Roll of the County or Burgh respectively, whether as Proprietors or Tenants or Occupiers, shall be entitled to appeal to the said Commissioners or Magistrates, as the Case may be, with reference to such Entry: Provided always, that the Appellant shall, Six Days at least before such Appeal is heard, intimate in Writing to the Assessor that he is to maintain such Appeal, and specify the Amount of Valuation which he alleges should be substituted for the Amount stated by the Assessor.

Procedure at Appeal Courts.

X. It shall be competent to the Commissioners of Supply and Magistrates of Burghs respectively in the hearing of Appeals under this Act to cite and examine the Parties and their Witnesses on Oath, and to call for all Papers and Documents which they may deem necessary; and every Court of Appeal shall be attended by the Assessors by whom the several Valuations under Appeal were made, and such Assessors shall answer upon Oath all competent Interrogatories which may be put to them with reference to the Matters involved in such Appeals; and it shall not be necessary for the Court of Appeal to keep any formal Record of their Proceedings, except only a Note of the Assessment, Appeal, and Judgment; but they may, if they think proper, cause any Deposition which may be made before them to be taken down in Writing, and signed by the Deponent, and may authenticate it by the Signature of One of their Number as having been made in their Presence; and every such Deposition so taken down, signed, and authenticated shall be deemed and taken to be good Evidence in any Prosecution for Perjury.

Valuation Roll to be retained by Assessor till 8th of September yearly, and thereafter to be open to Inspection.

XI. The Valuation Roll, when made up by the Assessor, shall be retained by him until the Eighth Day of *September* in each Year, when he shall transmit it to the Clerk of Supply of the County or to the Town Clerk of the Burgh, as the Case may be, or, if there be no Town Clerk, to such other Person as the Chief Magistrate of the Burgh, or if there be no such Magistrate the Sheriff of the County, may specially appoint for the Purpose, which he is hereby required in such Case to do, as Occasion requires; and the said Valuation Roll shall thereafter remain in the Office of such Clerk of Supply or

Town Clerk, or other Person specially appointed as aforesaid, patent to every Person having Interest therein, either as Proprietor, Tenant, or Occupier.

Valuation Roll, when completed, to be authenticated, and to be in force for One Year.

XII. As soon as all Appeals taken under this Act shall have been disposed of, and the Valuation of the County or Burgh shall have been thereby completed, the said Valuation Roll shall be authenticated in Counties by the Signature of the Convener of the Commissioners of Supply, or of the Clerk of Supply, or other Person whom the Commissioners of Supply may authorize for that Purpose, and in Burghs by the Signature of the Chief Magistrate, or of the Town Clerk, or other Person whom the Magistrates may authorize for that Purpose, and such Valuation Roll shall then be in force as the Valuation Roll of the County or Burgh, as the Case may be, for the Year commencing at the Term of *Whitsunday* immediately preceding, and ending at the Term of *Whitsunday* immediately following; and as soon as such Valuation Roll has been authenticated as aforesaid, the Clerk of Supply or Town Clerk, as the Case may be, shall furnish to the Clerks of the several Parochial Boards within the County or Burgh a Copy of so much thereof as relates to their respective Parishes; and every Parish, Person or Persons, interested in any Valuation Roll under this Act, shall be entitled to inspect and make Copies of the same or any Part thereof, at their own Expense, at such reasonable Times, and on Payment of such moderate Fee, and subject to such Regulations, as the Commissioners of Supply or Magistrates respectively may fix.

As to Complaints made with regard to Assessors Valuations.

XIII. If any Complaint shall be made to the Commissioners of Supply of any County, or to the Magistrates of any Burgh, sitting as an Appeal Court as above provided, to the Effect that the yearly Rent or Value of any Lands or Heritages within such County or Burgh respectively has been stated by the Assessor in the Valuation Roll of such County or Burgh at other than the just and true Amount thereof, such Commissioners of Supply and Magistrates respectively may, if they think fit, make Inquiry into such Complaint, after giving not less than Six Days Notice to the Proprietor and Occupier of such Lands and Heritages of the Time and Place when such Inquiry will be gone into, and may thereupon alter the Amount of the yearly Rent or Value of such Lands and Heritages in the Valuation Roll of such County or Burgh to such Extent as, after such Inquiry, may appear to them to be just; and the Commissioners of Supply and Magistrates respectively, in the Conduct of such Inquiries as aforesaid, shall have all the same Powers and Authorities as are by this Act conferred upon them with reference to Appeals; and it shall be lawful for them to award Expenses

against

against the Complainer, where it shall appear to them that such Complaint has been made without any reasonable or probable Cause: Provided always, that where any Parish consists partly of a Burgh and partly of a Landward District, it shall be competent to the Commissioners of Supply of the County or to the Magistrates of such Burgh respectively, if they shall think that any Property within such Parish has been unduly valued, to refer the true Value of the same to the Sheriff of the County, who shall decide the same summarily without being subject to Review, and the Magistrates and Commissioners of Supply respectively, on such Decision being produced to them, shall correct the Roll accordingly at the next ensuing Period of Valuation.

Three Commissioners of Supply or Two Magistrates, &c. to be a Quorum

XIV. In all Proceedings under this Act, any Three Commissioners of Supply, and Two Magistrates of a Burgh, shall be deemed to be a Quorum of such Commissioners and Magistrates respectively, and shall be entitled to exercise all the Powers conferred upon the general Body of Commissioners and Magistrates respectively under this Act, and the Majority present, and voting, shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote.

Preses at Meetings of Commissioners of Supply, and Magistrates of Burghs, under this Act.

XV. In all Meetings of Commissioners of Supply under this Act, their Convener, or, in the Absence of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting; and in all Meetings of Magistrates of Burghs under this Act, the Lord Provost, or Provost, or Chief Magistrate of the Burgh, when he is present thereat, shall be Preses of such Meeting; and, failing him, the Person who may be elected by such Meeting to act as its Preses shall be Preses of such Meeting.

Papers and Documents emanating from Commissioners of Supply, &c., how to be authenticated.

XVI. For the Purposes of this Act, the Signature of the Convener or of the Preses of a Meeting of Commissioners of Supply adhibited to any Paper or Document shall be equivalent to the Signatures of the whole Commissioners of Supply present at a Meeting thereof; and the Signature of the Lord Provost, or Provost, or Chief Magistrate of the Burgh, or of the Preses of a Meeting of the Magistrates of the Burgh, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Magistrates present at such Meeting; and the Addition to such Signatures respectively of the Words "Convener," "Lord Provost," "Provost," "Chief Magistrate," or "Preses," shall be good *primâ facie* Evidence that such Signature is the Signature of such "Convener," "Lord Provost," "Provost," "Chief Magistrate," or "Preses," as the Case may be, and that such Paper or Document is genuine and authentic.

XVII. Where

Powers of Supplementary Assessment granted by existing Acts of Parliament not to be affected.

XVII. Where, by any Act of Parliament, Power is given to make a Supplementary Assessment for any Portion of the Year from *Whitsunday* to *Whitsunday*, such Power shall not be affected by this Act; and the Assessors under this Act are hereby respectively authorized and required to make up such Supplementary Valuation Roll as may be necessary in order to such Supplementary Assessment: Provided always, that such Supplementary Assessment shall be made upon the Proprietors, Tenants, or Occupiers liable thereto, according to the Valuations established by this Act of the respective Lands and Heritages of which they are such Proprietors, Tenants, and Occupiers respectively for the Year, to a Portion of which such Supplementary Assessment applies: Provided also, that every Assessor making up such Supplementary Valuation Roll shall transmit or cause to be transmitted to each Person included therein, whether as Proprietor, Tenant, or Occupier, a Copy of every Entry in such Supplementary Valuation Roll wherein such Person shall be set forth either as Proprietor, Tenant, or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Supplementary Valuation he may appeal against the same as after mentioned, and it shall be lawful for every such Person to appeal within Fourteen Days thereafter to the Court of Appeal established by this Act; and such Court shall have the Power of granting Relief against such Supplementary Valuation so appealed against, to such Extent and in such Way and Manner as to such Court may seem just.

Expenses of Valuations, how to be defrayed.

XVIII. After the Completion of each annual Valuation as aforesaid under this Act, the Commissioners of Supply of each County and the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending the same, and shall ascertain and fix the just Amount thereof, and shall cause such Amount to be apportioned upon the Parishes within such County and Burgh respectively, according to the yearly Rent or Value thereof as fixed by such Valuation, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause such Amount along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed upon the Lands and Heritages within their County or Burgh respectively, included in such Valuation, by a rateable Assessment upon such Lands and Heritages according to the yearly Rent or Value thereof as fixed by such Valuation, the Proprietors and Occupiers of such Lands and Heritages being liable to pay such Assessment equally between them, or, in the Option of such Commissioners of Supply or Magistrates respectively, shall cause such Amount to be assessed along with and as Part of and by way of Addition to any other Assessment which may be leviable according to

to the Valuation established by this Act within such County or Burgh; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh, arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of each County and the Magistrates of each Burgh respectively, in such Manner as they may deem fit, for defraying the Expenses of making up Valuation Rolls under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that where in any County or Burgh there are or shall be Funds available for the Purpose, it shall be lawful for the Commissioners of Supply of such County or Magistrates of such Burgh, as the Case may be, to defray such Costs and Expenses as aforesaid out of such available Funds, in place of resorting to Assessment under the Provisions of this Act.

New Qualification for Commissioners of Supply.

XIX. From and after the passing of this Act, no Person, other than a Person duly qualified as after mentioned, shall be qualified to act as Commissioner of Supply in any County; and any Person not duly qualified as aforesaid acting as such Commissioner shall be subject and liable to the Penalties presently attached by Law to the acting as a Commissioner of Supply without Qualification; and from and after the passing of this Act the Qualification requisite for a Commissioner of Supply in any County shall be the being named as an *ex-officio* Commissioner of Supply in any Act of Supply, or the being Proprietor or the Husband of any Proprietor infeft in Liferent, or in Fee not burdened with a Liferent, in Lands and Heritages within such County, of the yearly Rent or Value, in Terms of this Act, of at least One hundred Pounds, or the being eldest Son and Heir Apparent of a Proprietor infeft in Fee not burdened with a Liferent in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Four hundred Pounds; and the Factor of any Proprietor or Proprietors infeft, either in Liferent or in Fee unburdened as aforesaid, in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Eight hundred Pounds, shall be qualified to act as a Commissioner of Supply in the Absence of such Proprietor or Proprietors: Provided always, that, with reference only to the Qualification of Commissioners of Supply under this Act, the yearly Rent or Value of Houses and other Buildings, not being Farmhouses or Offices or other agricultural Buildings, shall be estimated at only One Half of their actual yearly Rent or Value, in Terms of this Act: Provided also, that all Persons who shall, at the Date of the passing of this Act, have been in actual Possession of the Qualification then required by Law for a Commissioner of Supply, and entitled to act

as such Commissioner, shall, so long as he shall continue to possess such last-mentioned Qualification, be deemed to be in possession of the Qualification requisite for a Commissioner of Supply in Terms of this Act.

Assessor of Railways and Canals to be appointed.

XX. In order to the making up of Valuations and Valuation Rolls of Lands and Heritages in *Scotland* belonging to or leased by Railway or Canal Companies, and forming Part of the Undertakings of such Companies, it shall be lawful for Her Majesty to appoint, as Occasion requires, a fit and proper Person to be Assessor of Railways and Canals for the Purposes of this Act; and the Remuneration or Salary to be paid to such Assessor of Railways and Canals in respect of his own Time and Trouble, and in respect of any Clerks or other Officers whom he may be allowed by the Commissioners of Her Majesty's Treasury to employ in the Execution of his Duties under this Act, shall be fixed from Time to Time by the said Commissioners of Her Majesty's Treasury; and such Assessor of Railways and Canals shall, before entering on the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof, and shall be removeable by Her Majesty at Pleasure.

Such Assessor to make up annually a Valuation Roll of Railways and Canals.

XXI. The Assessor of Railways and Canals under this Act shall, on or before the Fifteenth Day of *August* One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of *August* in every subsequent Year, inquire into and fix *in cumulo* the yearly Rent or Value, in Terms of this Act, of all Lands and Heritages in *Scotland* belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking, and shall also inquire into and fix the Amount which One Year with another would be required in order to the Acquisition, Formation, and Erection of the several Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business respectively, in *Scotland*, of or connected with each such Undertaking (including the Solum on which such Stations and others are erected), and shall also inquire into and fix all other Matters necessary to enable him to make up a Valuation Roll of Railways and Canals as after mentioned; and such Assessor of Railways and Canals shall make up a Valuation Roll, applicable to all Railway and Canal Companies having Lands and Heritages as aforesaid, in which Valuation Roll shall be set forth, in Columns, the yearly Rent and Value, in Terms of this Act, of the whole Lands and Heritages, in *Scotland*, belonging to or leased by each such Railway or Canal Company respectively, and forming Part of its Undertaking; the Names of the several Parishes, Counties, and Burghs through which the Line of such Railway or Canal Company runs, or in which its said Lands or Heritages, or any Part thereof, are

are situated; the lineal Measurement of its entire Line, and the Portion of such lineal Measurement situated in each such Parish, County, and Burgh; the Amount of the Cost as aforesaid of its several Stations, Wharfs, Docks, Depôts, Counting-houses, and Houses and Places of Business in *Scotland*, (including as aforesaid,) the Proportion of such gross Amount expended in each such Parish, County, and Burgh, and, where any Stations, Wharfs, Docks, Depôts, Counting-houses, or other Houses or Places of Business are held or used jointly by any Two or more Railway or Canal Companies, the Proportions in which such Railway and Canal Companies are respectively interested therein, and also the yearly Rent or Value, in Terms of this Act, ascertained as after mentioned, of the Portion in each Parish, County, and Burgh in *Scotland* of the Lands and Heritages belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking.

Mode in which the yearly Rent or Value of Railways and Canals is to be ascertained.

XXII. The yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in any Parish, County, or Burgh belonging to or leased by any Railway or Canal Company, and forming Part of the Undertaking of such Company, shall be ascertained as follows; that is to say, there shall be deducted, in the first place, from the *cumulo* yearly Rent or Value of the whole Lands and Heritages in *Scotland* as aforesaid of each such Railway or Canal Company, a Sum equal to Three Pounds *per Centum* of the whole Cost as aforesaid of the Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business in *Scotland* of and connected with the Undertaking of such Railway or Canal Company (including as aforesaid); and the Proportion of such diminished *cumulo* Rent or Value corresponding to the lineal Measurement of the Portion of the Line, including Ferries attached thereto, of such Railway or Canal Company, situated in such Parish, County, or Burgh, as compared with the lineal Measurement of the entire Line, including Ferries as aforesaid, of such Railway or Canal Company, with the Addition of a Sum equal to Three Pounds *per Centum* of the Cost as aforesaid of any Station, Wharf, Dock, Depôt, Counting-house, or other House or Place of Business, within such Parish, County, or Burgh, or of or connected with the Undertaking of such Railway or Canal Company (including as aforesaid), shall be deemed and taken to be the yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in such Parish, County, or Burgh belonging to or leased by such Railway or Canal Company, and forming Part of its Undertaking.

Water, Gas, and other Companies may have their Lands

XXIII. Where any Water Company, or Gas Company, or other Company having any continuous Lands and Heritages liable to be assessed in more than One Parish, County, or Burgh, shall desire to have

and Heritages valued by the Assessor of Railways and Canals.

have such Lands and Heritages assessed by the Assessor of Railways and Canals under this Act, it shall be competent to such Water or Gas or other Company to make Intimation in Writing of such Desire, under the Hand of its Manager, Secretary, or other Principal Officer, at any Time before the Fifteenth Day of *May* in the Year One thousand eight hundred and fifty-five, or before the Fifteenth Day of *May* in any subsequent Year, to the Sheriff of the County within which such Lands and Heritages, or the Head Office and Place of Business in *Scotland* of such Water or Gas or other Company are situated; and such Sheriff shall forthwith make such public Advertisement of his having received such Intimation as to him shall seem necessary or proper, and also shall make special Intimation thereof to the Assessor of Railways and Canals under this Act; and thereupon such Assessor of Railways and Canals shall be exclusively charged, subject to Appeal as herein provided, with the Valuation of the Lands and Heritages in *Scotland* of such Water or Gas or other Company in Terms of this Act; and such Assessor of Railways and Canals shall on or before the Fifteenth Day of *August* in the Year One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of *August* in every subsequent Year, inquire into and fix *in cumulo* the yearly Rent and Value, in Terms of this Act, of all Lands and Heritages in *Scotland* belonging to or leased by such Water or Gas or other Company, and forming Part of its Undertaking, and shall also inquire into and fix the just Proportions of such *cumulo* yearly Rent or Value applicable to each Parish, County, and Burgh in *Scotland* in which such Water or Gas or other Company is liable to be assessed as aforesaid; and such Assessor of Railways and Canals shall include in the Valuation Roll to be made up by him under this Act, all the Water Companies, Gas Companies, and other Companies, whose Lands and Heritages shall be valued by him as aforesaid, and shall set forth in such Valuation Roll, in Columns, the yearly Rent or Value, in Terms of this Act, *in cumulo*, of the whole Lands and Heritages in *Scotland* belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking, the Names of the several Parishes, Counties, and Burghs in which its said Lands and Heritages or any Part thereof are situated, and also the yearly Rent or Value, in Terms of this Act, of the Portion in each such Parish, County, and Burgh, separately and respectively, of the Lands and Heritages belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking.

Notice of Valuation to be given to Railway and

XXIV. On or before the Fifteenth Day of *August* in each Year the said Assessor of Railways and Canals under this Act shall transmit or cause to be transmitted to each Railway and Canal and other Company

pany included in his Valuation, either through the Post Office, or by causing the same to be left at the Head or other known Office of Business of each such Company, a Copy of every Entry in his Valuation Roll wherein such Company shall be set forth, either as Proprietor, Tenant, or Occupier; and if such Company consider themselves aggrieved by such Valuation, they may obtain Redress by satisfying such Assessor of Railways and Canals, on or before the Eighth Day of *September* next ensuing, that they have well-founded Ground of Complaint, and obtaining an Alteration by him of his Valuation accordingly, which Alteration he is in such Case authorized to make, or by lodging a Note of Appeal, on or before such last-mentioned Date, to the Lord Ordinary officiating on the Bills in the Court of Session, or where the Lands and Heritages belonging to such Company are all situated within One County, then to the Sheriff of such County; and all Proceedings before such Lord Ordinary or Sheriff, as the Case may be, under this Act, shall be summary, and may be taken either in Court or at Chambers, and shall be conducted in such Way as such Lord Ordinary or Sheriff respectively may prescribe or allow; and any Deliverance which shall be pronounced by such Lord Ordinary or Sheriff, as the Case may be, on such Objections, on or before the Thirtieth Day of *November* next after such Appeal is entered and such Objections are made, shall receive Effect, and it shall be the Duty of such Assessor of Railways and Canals to alter his Valuation in conformity therewith; and such Deliverance, and the Valuation of the said Assessor of Railways and Canals, if not appealed against, or if appealed against in so far as not altered by a Deliverance of the Lord Ordinary or Sheriff as aforesaid, shall be final and conclusive, and not subject to Review.

Canal Companies, &c.

If Companies think themselves aggrieved they may appeal to Lord Ordinary.

Proceedings before Lord Ordinary, &c. to be summary.

XXV. The Valuation Roll to be made up by the Assessor of Railways and Canals, while the same is in the Hands of such Assessor, shall be patent to all Persons having Interest therein, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same; and it shall be competent to any Parish, County, or Burgh, having Interest in any Valuation therein contained, to object to and represent against the same to the Lord Ordinary officiating on the Bills in the Court of Session, or when the Lands and Heritages belonging to any Railway or Canal or other Company included in such Valuation Roll are all situated within One County, then to the Sheriff of such County, and such Lord Ordinary or Sheriff, as the Case may be, shall afford to the Company to which such Objection applies an Opportunity of answering such Objection, and may also, if he think it necessary or proper, afford such Opportunity to the Assessor of Railways and Canals, or to any Person or Persons whom he may consider to be interested in such Objection; and any Deliverance which shall be

Any Parish, County, or Burgh interested in any Railway or Canal Valuation may appeal against the same to the Lord Ordinary.

pronounced by him on such Objections on or before the Thirtieth Day of *November* next after such Objections are made shall be given effect to, and be final and conclusive.

Assessor of Railways and Canals may call for Books and Writings, &c. and if such are refused, Right of Appeal to be forfeited.

XXVI. For the Purpose of making the Valuations of the Lands and Heritages of Railway and Canal and other Companies by the Assessor of Railways and Canals under this Act, it shall be lawful for such Assessor of Railways and Canals to require the Attendance before him of any Persons as Witnesses, and to examine such Witnesses on Oath, and also to call from Time to Time upon any Railway or Canal or other Company to be included in his Valuation for detailed Statements of the yearly Revenue of its Undertaking, distinguishing the different Sources thereof, and the Amount derived from each such Source, and also in the Case of Railways and Canals of the Cost as aforesaid of each of its Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business (including the Solum on which such Stations and others are erected), and also of the Parishes, Counties, and Burghs in which such Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business are severally situated, and of the lineal Measurement of the whole, any, each, and every Part of its Line, and to call for Production from Time to Time of any Books, Vouchers, or other Writings in the Possession of any Railway or Canal or other Company relating to or bearing upon any Matters aforesaid, or to or upon the Subject of the Inquiries of such Assessor under this Act; and if any such Company, or its Manager or Secretary, or the Chairman of its Board of Directors, all for the Time being, shall wilfully refuse or delay to furnish any such Statements, or to make any such Production, when required by the Assessor of Railways and Canals as aforesaid, such Company shall not be entitled to appeal against or object to the Valuation of such Assessor of Railways and Canals for the Year in which such Refusal or Delay takes place, anything in this Act to the contrary notwithstanding.

Valuations of Railways and Canals, &c. when completed, to be authenticated, and communicated to the Clerks of Supply and Town Clerks, and to be in force for One Year.

XXVII. The Valuation Roll to be made up annually as aforesaid by the Assessor of Railways and Canals under this Act shall, as soon as may be after the Thirtieth Day of *November* in each Year, be authenticated by the Signature of such Assessor, and such Valuation Roll shall then be in force as the Valuation Roll of Railway and Canal and other Companies for the Year commencing at the Term of *Whitsunday* immediately preceding and ending at the Term of *Whitsunday* immediately following; and the Assessor of Railways and Canals under this Act shall thereupon transmit to the Clerk of Supply of each County and to the Town Clerk of each Burgh in which any Portion of the Undertaking of any such Company is situated a certified Copy of the Valuation, in Terms of this Act, taken

taken from such Valuation Roll, of the Lands and Heritages within such County or Burgh respectively belonging to or leased by and forming Part of the Undertaking of such Company; and such Valuation relating to such Company shall be engrossed by such Clerk of Supply or Town Clerk, as the Case may be, in the Valuation Roll of such County or Burgh, and shall be authenticated by the Signature of such Clerk of Supply or Town Clerk, and shall be thenceforward deemed and taken to be a Part of such Valuation Roll of such County or Burgh.

Valuation Rolls of Railways and Canals, &c. to be transmitted to the General Register House, for Preservation.

XXVIII. The Valuation Rolls of Railway and Canal and other Companies, to be made up by the Assessor of Railways and Canals in Terms of this Act, shall be periodically transmitted by the Assessor of Railways and Canals to the Lord Clerk Register, or his Deputy, for Preservation in the General Register House, in like Manner as the Valuation Rolls of Counties and Burghs are herein-after directed to be periodically transmitted as aforesaid.

Salary of the Assessor of Railways and Canals to be contributed rateably by Railway and Canal Companies, &c.

XXIX. The Amount of the Remuneration or Salary of the Assessor of Railways and Canals under this Act, and of his Clerks and other Officers as aforesaid, shall, on or before the Eleventh Day of *November* in each Year, be paid by the Railway and Canal and other Companies having Lands and Heritages included in the Valuation of Railways and Canals for the Year to which such Remuneration or Salary applies, to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they may appoint to receive the same, each Company paying a Proportion of such Remuneration or Salary corresponding to the yearly Rent or Value of its Lands and Heritages, ascertained in Terms of this Act, as compared with the yearly Rent or Value of the whole Lands and Heritages in *Scotland* of Railway and Canal and other Companies included in such Valuation; and in case of any Difference of Opinion as to the Proportions in which such Remuneration or Salary should be borne by such Companies respectively, in Terms of this Act, the same shall be determined by the Commissioners of Her Majesty's Treasury, whose Award thereon shall be final; and on or before the Thirty-first Day of *December* in each Year the said Remuneration or Salary received from such Companies as aforesaid shall be paid over by the Commissioners of Her Majesty's Treasury to the Assessor of Railways and Canals; and the Proportion of such Remuneration or Salary payable by each such Company, in Terms of this Act, shall be deemed to be a Debt due by such Company to the Crown, and shall be recoverable in like Manner as any other Debt due to the Crown is recoverable by Law.

XXX. No

Mistake or Misnomer not to affect Valuation.

XXX. No Valuation of any Lands or Heritages contained in any Valuation Roll under this Act shall be rendered void or be affected by reason of any Mistake or Variance in the Names of such Lands or Heritages, or in the Christian or Surname or Designation of any Proprietor or Tenant or Occupier thereof; and no Valuation Roll which shall be made up and authenticated in Terms of this Act, and no Valuation which shall be contained therein, shall be challengeable, or be capable of being set aside or rendered ineffectual, by reason of any Informality, or of any Want of Compliance with the Provisions of this Act, in the Proceedings for making up such Valuation or Valuation Roll.

Proprietors of Subjects under 4*l.* to be chargeable with Assessments.

XXXI. In all Cases where any Lands or Heritages shall be separately let at a Rent not amounting to Four Pounds *per Annum*, and the Names of the Occupiers thereof shall not have been inserted in the Valuation Roll, the Proprietor of such Land and Heritages shall be charged with and have to pay the whole of the Assessments on such Lands and Heritages separately let as aforesaid; but every such Proprietor charged with and paying such Assessments shall have Relief against the Tenants and Occupiers of such Lands and Heritages for Reimbursements thereof, if and in so far as such Assessments may by Law be properly chargeable upon such Tenant or Occupiers.

Prison Assessment to be upon Valuations established by this Act, and not by 2 & 3 Vict. c. 42.

XXXII. From and after the Establishment of Valuations of the Lands and Heritages in *Scotland* under this Act, every Assessment which shall or might lawfully be assessed or levied under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland, upon any Lands or Heritages, according to the annual Value of such Lands or Heritages, shall be assessed and levied upon the Basis of the Valuations for the Time being established under this Act; and the said last-recited Act is hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

Other Public Assessments leviable on Real Rent to be levied upon Valuations established by this Act.

XXXIII. Where, in any County, Burgh, or Town, any County, Municipal, Parochial, or other public Assessment, or any Assessment, Rate, or Tax under any Act of Parliament, is authorized to be imposed or made upon or according to the Real Rent of Lands and Heritages, the yearly Rent or Value of such Lands and Heritages, as appearing from the Valuation Roll in force for the Time under this Act in such County, Burgh, or Town, shall, from and after the Establishment of such Valuation therein, be always deemed and taken to be the just Amount of Real Rent for the Purposes of such County, Municipal, Parochial, or other Assessment, Rate, or Tax, and the same shall

shall be assessed and levied according to such yearly Rent or Value accordingly, any Law or Usage to the contrary notwithstanding: Provided always, that when the Area of any Parish Church heretofore erected has been allocated among the Heritors, according to their respective valued Rents as appearing upon the present Valuation Rolls, all Assessments for the Repair thereof shall be imposed according to such valued Rent; and where in any County, Burgh, or Town, any County, Municipal, Parochial, or other Public Assessment, or any Assessment, Rate, or Tax under any Act of Parliament, other than Poor Rates, is or might be assessed upon Means and Substance, such Assessment shall, from and after the Establishment of Valuations under this Act, be assessed and levied upon the yearly Rent or Value, in Terms of this Act, of such Lands and Heritages within such County, Burgh, or Town, One Half upon the Owners and the other Half upon the Tenants and Occupiers of such Lands and Heritages, but subject to the Provisions and Exceptions herein-before made and provided as regards Lands and Heritages separately let at a Rent not amounting to Four Pounds; and all Acts, Laws, and Usages to the contrary are hereby repealed in so far as necessary to give effect to this Enactment, but no further.

Valuation Roll to be Evidence in Registration and Appeal Courts.

XXXIV. In all Questions and Proceedings under any Act of Parliament relating to the Franchise, or to the Representation of the People in Parliament, it shall be sufficient to refer to an Entry in the Valuation Roll in force for the Time, or last in force under this Act in any County or Burgh, and such Entry shall be received and taken in all such Questions and Proceedings as conclusive Proof that the gross yearly Rent or Value of the Lands or Heritages specified therein is at the Date of such Reference, and has been from the Commencement of the Year to which such Valuation Roll applies, of the Amount therein set forth; and it shall be competent in all Cases, notwithstanding anything in any existing Act of Parliament to the contrary, to refer to such Valuation Roll in such Appeal Court, although such Valuation Roll may not have been produced or referred to in the Registration Court; and it shall be the Duty of every Sheriff Clerk of a County and Town Clerk of a Burgh officiating or who ought to officiate at any Registration Court or Court of Appeal under any such Act of Parliament to have the Valuation Roll of the County or Burgh, as the Case may be, in force for the Time under this Act, on the Table of such Registration Court or Court of Appeal, as the Case may be, for Reference, as aforesaid; and as soon as each annual Valuation Roll of a County, or of a Burgh not being a Burgh sending or contributing to send a Member to Parliament, shall have been completed under this Act, and when the same shall be required for the Purposes of any Registration or Appeal Court,

the Clerk of Supply having the Custody of such Valuation Roll shall, when called upon to do so, transmit the same to the Sheriff Clerk of the County, by whom it shall be retained, patent to all Parties having Interest therein, until the Business of the Registration and Appeal Courts of the Year shall be concluded, when it shall be forthwith returned by such Sheriff Clerk to such Clerk of Supply.

Valuation Rolls to be made up in prescribed Form, and to be transmitted to the General Register House for Preservation

XXXV. The Valuation Rolls to be made up in Terms of this Act shall be, as nearly as may be, in the Forms of the Schedules hereunto annexed, and shall be otherwise in such Form and of such Dimensions as may be prescribed by the Lord Clerk Register of *Scotland*, or his Deputy; and at the Expiration of Six Years from the Date of the passing of this Act, and at the Expiration of every subsequent Period of Six Years thenceforward, every Clerk of Supply and Town Clerk or other Person, being Custodier of the Valuation Rolls of any County or Burgh under this Act, shall transmit or cause to be transmitted to the said Lord Clerk Register or his Deputy, in order to Preservation thereof in the General Register House of *Scotland*, the whole Valuation Rolls of such County or Burgh then completed, and not previously transmitted, other than the Valuation Rolls of such County or Burgh in force for the Time being.

Boundaries of Burghs sending Members to Parliament to be same as prescribed by 2 & 3 W. 4. c. 65.

XXXVI. The Limits and Boundaries of such Burghs as send, or contribute to send, a Member or Members to Parliament, shall, for the Purposes of this Act, be taken and held to be according to the Limits and Boundaries prescribed by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland; Provided always, that in any Burgh in which the ordinary Jurisdiction of the Magistrates shall not extend over the whole of the said Boundaries, it shall be lawful to exclude therefrom, for the Purposes of this Act, such Part thereof, being beyond the ordinary Jurisdiction of the Magistrates, as may be mutually agreed on by the Magistrates of the Burgh and the Commissioners of Supply for the County, or in case of Disagreement as shall be determined by the Sheriff of such County: Provided always, that where more than One Burgh contributes to send a Member or Members to Parliament, each such Burgh shall notwithstanding be held to be distinct and separate Burghs for the Purposes of this Act; and the Magistrates of each Burgh respectively shall have and exercise all the Powers herein conferred on Magistrates of Burghs: Provided also, that where the Boundaries of any Burgh are not prescribed by the before-recited Act of the Second and Third Years of the Reign of His Majesty King *William* the Fourth, the same shall be determined by the Sheriff of the Sheriffdom in which such

such Burgh is situated, or, if such Burgh be situated partly in one County and partly in another, by the Sheriff of that Sheriffdom in which the greater Part of such Burgh may be situated; and, as soon as may be after the passing of this Act, every Sheriff to whom such Power of fixing the Boundaries of any Burgh for the Purposes of this Act is hereby committed shall, by Letter to be addressed by him to the Chief or Senior Magistrate or other Administrator on behalf of such Burgh, require such Magistrate or other Administrator of such Burgh to attend him at a Time and Place to be fixed in such Letter, and shall likewise intimate the same to the Convenor or Convenors of the County or Counties in which such Burgh is situated, and shall at such Time and Place, or at any Time or Place to which the Sheriff may adjourn the Inquiry, take such Evidence as may be adduced to him, or as he may think necessary, and shall thereupon, by Writing under his Hand, fix and determine the Boundaries of such Burgh for the Purposes of this Act, and shall cause such written Determination to be recorded in the Sheriff Court Books of his County, and shall furnish an official Extract therefrom to such Magistrate or Administrator, and to the Clerk or Clerks of Supply of the County or Counties within which such Burgh is situated; and such Determination shall, when so recorded, fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Recovery of Penalties.

XXXVII. Every Penalty imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made in Name of an Assessor under this Act to the Sheriff of the Sheriffdom in which the Offence shall have been committed, or to the Sheriff of any Sheriffdom in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be

be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Calendar Months.

Application of Penalties.

XXXVIII. The Sheriff by whom any Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County or Burgh in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Calendar Months after the Commission of the Offence for which it has been incurred.

Where Assessments are levied under Local Acts on a different Valuation to that established by this Act, Sheriff of the County to fix Per-centage.

XXXIX. Where in any Burgh or Parish or County under any Statute any Assessment, Rate, or Tax of a fixed Amount or Per-centage has been assessed upon or levied from the Proprietors or Tenants or Occupiers of any Lands and Heritages, but according to a different Valuation from that established by this Act, it shall be lawful for the Sheriff, on an Application from any Person or Persons authorized to assess or levy such Assessment, Rate, or Tax, or from any Ratepayer within such County, Burgh, or Parish, to fix and determine, after such Inquiry and Notice as he shall think proper, what Per-centage, according to the Valuation to be made under this Act, corresponds with and will yield as nearly as may be the Sum which the Per-centage specified in such Statute should yield according to the Valuation hitherto in use to be made up under such Statute, and the Per-centage so fixed by the Sheriff shall thereafter, subject to all legal Rights, be held to be the Per-centage provided by such Statute.

Rogue Money, &c. to be assessed, first giving Notice of the same.

XL. After the Completion of the First Valuation under this Act, it shall be in the Power of the Commissioners of Supply to assess on the said Valuation and any subsequent Valuation the Rogue Money and all the other Assessments now levied on the valued Rent; provided that Notice of the Resolution so to assess be given at the Meeting of the said Commissioners previous to the Meeting at which such Assessment is to be made; but after such Resolution has once been adopted by the said Commissioners it shall not be in their Power to revert to the former Mode of Assessment.

Liability to Assessment not to be altered.

XLI. Nothing contained in this Act shall alter or affect any Classification or Power of Classification, or any Deduction or Allowances, or Power of making Deductions or Allowances, from gross Rental, made or possessed by any Body, Persons or Person, entitled to impose or levy Assessments, but the same shall not affect the Value

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to be inserted in the Valuation Roll in Terms of this Act; and nothing contained in this Act shall exempt from or render liable to Assessment any Person or Property not previously exempt from or liable to Assessment.

Interpretation Clause.

XLII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Expression "Lands and Heritages" shall extend to and include all Lands, Houses, Shootings, and Deer Forests, where such Shootings or Deer Forests are actually let, Fishings, Woods, Copse and Underwood from which Revenue is actually derived, Ferries, Piers, Harbours, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coalworks, Waterworks, Limeworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof, and all Machinery fixed or attached to any Lands or Heritages: Provided always, that no Mine or Quarry shall be assessed unless it has been worked during some Part of the Year to which such Assessment applies; the Word "Oath" shall include the Affirmation of a Quaker, Separatist, or Moravian; the Word "Proprietor" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; the Word "Factor" shall mean a Person acting under a probative Factory and Commission for the Proprietor or Proprietors, including Corporations being Proprietors, for whom he is Factor, and in the *bonâ fide* actual Management as such Factor of the Lands and Heritages belonging to such Proprietor; the Word "Burgh" shall apply only to a City, Burgh, or Town, being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost, or Provost, or Chief Magistrate and Magistrates and Councils of Burghs, and all Persons being Members for the Time of such Magistracy or Council; the Word "Town" shall extend to and include all Burghs, as well Royal and Parliamentary Burghs as Burghs of Barony or Regality, and all other Burghs whatsoever, and generally all Places situate within a County forming an Area of Assessment distinct from such County; the Word "County" shall include "Stewartry," and shall include and apply to a County exclusive of the Burghs situated therein; the Expression "the Assessor" shall mean the Assessor under this Act of the County or Burgh or Portion or District of the County or Burgh for which he is Assessor, as distinguished from the Assessor of Railways and Canals under this Act.

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL FOR COUNTIES.

County of Parish of

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.				
					1854.	1855.	1856.	1857.	1858
1	Farm of ———	*A. B.* of *C.* -	*E. F.*, residing at —	*G. H.*, residing at —	150*l.*				
-	Do. -	Do. - -	Do. - -	Do. - -	- -	150*l.*			
-	Do. -	Do. - -	Do. - -	Do. - -	- -	- -	150*l.*		
-	Do. -	Do. - -	*L. M.*, residing at —	*L. M.*, residing at -	- -	- -	- -	160*l.*	
-	Do. -	Do. - -	Do. - -	Do. - -	- -	- -	- -	- -	160*l.*
2	House, Garden, and Grounds of ———	*O. P.* Esq., Mining Engineer.	- - -	*O. P.* aforesaid -	40*l.*				
-	Do. -	Do. - -	- - -	Do. - -	- -	40*l.*			
-	Do. -	*R. S.*, Merchant in —	- - -	Do. - -	- -	- -	40*l.*		
-	Do. -	Do. -	- - -	*R. S.*, Merchant in —	- -	- -	- -	35*l.*	
-	Do. -	Do. -	- - -	Do. -	- -	- -	- -	- -	35*l.*

VALUATION ROLL FOR BURGHS.

Burgh [*or* City] of Year

No.	Description of Subject.	Proprietor.	Tenant	Occupier.	Yearly Rent or Value.
1	House, 9, High Street	*A. B.*, residing at —	*C. D.*, Merchant -	*C. D.*, Merchant - -	70*l.*
2	Shop, 10, Do.	*E. F.*, Architect -	*G. H.*, Draper - -	*G. H.*, Draper - -	50*l.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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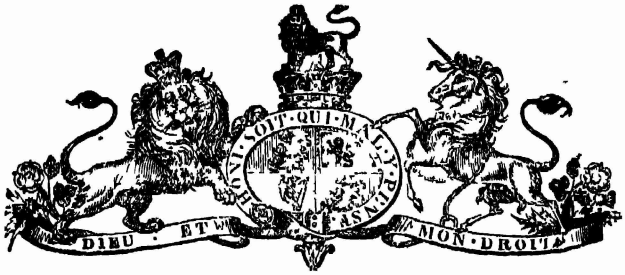
mentioned Act was further continued until the Thirty-first Day of *August* One thousand eight hundred and fifty-four: And whereas it is expedient that the said first-recited Act should be further continued for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act continued

I. That the said first-recited Act shall be and continue in full Force and Effect until the Thirty-first Day of *August* One thousand eight hundred and fifty-five.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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Office of the Duchy of *Cornwall* was built and established under the Provisions of the said Act: And whereas the Hereditaments situate in *Pimlico* in the City of *Westminster* and County of *Middlesex*, specified in the Schedule written under the Articles of Agreement herein-after recited, and delineated in the Plan in the Margin of such Schedule, and therein coloured Blue, are vested in Her Majesty in Fee Simple, as Part of the Hereditary Possessions and Land Revenues of the Crown, subject to the Provisions of an Act of Parliament passed in the Sixteenth Year of the Reign of Her Majesty, intituled *An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to complete Improvements in* Pimlico *and in the Neighbourhood of* Buckingham Palace, and of the "*Pimlico* Improvement Act, 1853:" And whereas the said Office of the Duchy of *Cornwall* is necessary for the Public Service; namely, for the Use of the Commissioners of Inland Revenue, whose present Office is insufficient for the Business thereof, and adjoins the said Office of the Duchy of *Cornwall:* And whereas by Articles of Agreement made and entered into the Fifteenth Day of *July* One thousand eight hundred and fifty-four, between His Royal Highness Prince *Albert* of *Saxe Coburg* and *Gotha*, Warden of the Stannaries in *Cornwall* and *Devon*, the Honourable *Alfred Hervey* commonly called Lord *Alfred Hervey*, Keeper of the Privy Seal of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, *William John Alexander* Esquire, One of Her Majesty's Counsel learned in the Law, the Attorney General of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, and the Honourable *Charles Beaumont Phipps*, Companion of the Bath, a Colonel in Her Majesty's Army, the Treasurer and Cofferer of the Household of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, (Four of the Members of the Council of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*,) of the First Part; the Right Honourable Sir *William Molesworth* Baronet, the First Commissioner of Her Majesty's Works and Public Buildings (for and on behalf of the Commissioners of Her Majesty's Works and Public Buildings), of the Second Part, and the Honourable *Francis Wemyss Charteris* commonly called Lord *Elcho*, and *Chichester Samuel Fortescue* Esquire, (Two of the Commissioners of Her Majesty's Treasury,) of the Third Part it has been agreed as follows: Within Two Years from the Date of the said Articles of Agreement the Commissioners of Her Majesty's Works and Public Buildings (therein-after and herein-after styled the Commissioners of Works) shall, out of such Monies as have been or shall be appropriated by Parliament for that Purpose, purchase from the Commissioners of Her Majesty's Woods, Forests, and Land Revenues the Land, Messuages, and Appurtenances specified in the said

15 & 16 Vict. c. 78.

16 & 17 Vict. c. 44.

said Schedule thereunder written, and delineated in the said Plan drawn in the Margin of such Schedule, and therein coloured Blue, and erect on such Land and the Site of such Messuages and Appurtenances a Building according to the Plans and Specifications which have been prepared for the Erection thereof by the Architect of the said Commissioners of Works, and have been signed in Duplicate by the Parties to the said Articles of Agreement, for the Purpose of identifying the same as the Plans and Specifications therein referred to, and have been deposited with the Keeper of the Records of the said Duchy and with the Commissioners of Works respectively, and complete such Building with the Appurtenances according to such Plans and Specifications, and with Landlord's and Tenant's Fittings and Fixtures thereto in all respects equally good at least with the Fittings and Fixtures in the present Duchy Office, fit for Use as and for the Office of the said Duchy, to the Satisfaction in all respects of the said Council or of their Architect for the Time being, with the Exception of such Fittings and Fixtures as are now in the said present Office of the said Duchy, and as the said Council may think fit to remove and set up in such intended Office; the said present Office in *Somerset House* of the Duchy of *Cornwall* and the said intended Office in *Pimlico* (to be erected and completed according to the aforesaid Plans and Specifications for the Erection thereof), including the Sites and Fittings and Fixtures of the said Office and intended Office respectively, shall be valued, according to their marketable Values, by *James Pennethorne*, or some other Person to be named by the Commissioners of Works, and *Henry Arthur Hunt*, or some other Person to be named by the said Council, and, if they disagree, by an Umpire to be named by themselves, and the Values determined by such Valuers, if they agree, and by their Umpire, if they disagree, shall be deemed for the Purposes of the said Articles of Agreement the Market Values of the said Premises respectively; provided always, that in valuing the Site of the said intended Office in *Pimlico* the Value of the Land only, and not of Houses and Buildings now and heretofore standing thereon, shall be taken into consideration; within the said Period of Two Years from the Date of the said Articles, and so soon as the said intended Building in *Pimlico* shall be completed as aforesaid fit for Use as the Office of the Duchy of *Cornwall* to the Satisfaction in all respects of the said Council or of their Architect for the Time being, the said intended Building, with its Appurtenances, shall be delivered up into the Possession of the said Council as the Office of the Duchy of *Cornwall*, and shall be vested in Her Majesty, Her Heirs and Successors, upon the same Trust for allowing such Building, with its Appurtenances, to be used for the Office of the said Duchy as the said Office and Premises in *Somerset House* are now subject to; and the said Office and Premises in *Somerset House* of the said Duchy shall

shall remain vested in Her Majesty, Her Heirs and Successors, freed and discharged from the said Trust, for allowing the same to be used for the Office of the said Duchy, but upon the same or the like Trusts as the said Premises in *Somerset House* would have been subject to in case the Office of the Duchy of *Cornwall* had not been one of the Public Offices named in or established under the said Act of King *George* the Third; if the aforesaid Market Value of the said Office and Premises of the said Duchy in *Somerset House* shall be less than the aforesaid Market Value of the said intended Building and Premises in *Pimlico*, the said Council shall, immediately after the said intended Building and Premises in *Pimlico* shall be completed and delivered up to the said Council as aforesaid, pay to the Consolidated Fund of the United Kingdom One Half Part of the Excess in Market Value of the said intended Building and Premises in *Pimlico* over the said Office and Premises in *Somerset House*: And in the said Articles of Agreement are contained Agreements for making the said Articles voidable in certain Events therein specified, and for the Payment of Expenses, and otherwise relating to the Premises: And whereas for effectuating the herein-before recited Articles of Agreement the Commissioners of Her Majesty's Woods, Forests, and Land Revenues have agreed to sell, and the Commissioners of Works have agreed to purchase, the said Land and Messuages and Appurtenances specified in the said Schedule to the said Articles of Agreement, for the Sum of Four thousand three hundred Pounds, being the Sum at which the same have been valued by the Surveyors of the same several Commissioners respectively: And whereas it is expedient that the herein-before recited Articles of Agreement be carried into effect: Be it enacted therefore by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The recited Agreement confirmed.

I. The herein-before recited Articles of Agreement, and all Agreements and Stipulations therein contained, are confirmed, and shall be carried into effect, and the Council of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, the Commissioners of Her Majesty's Treasury, the Commissioners of Her Majesty's Works and Public Buildings, and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, are empowered and directed to do all such Things as by the said Articles of Agreement are agreed or as may be necessary or expedient to be done for carrying the same into full Effect.

Price of the Land specified in the

II. The said Sum of Four thousand three hundred Pounds, the Purchase Money of the said Land and Messuages and Appurtenances specified

specified in the said Schedule to the said Articles of Agreement, shall, as soon as conveniently may be after the passing of this Act, be paid by the Commissioners of Works out of such Monies as have been or shall be appropriated by Parliament for that Purpose, to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and shall be held and applied by such last-mentioned Commissioners as Monies arising from the Sale of Land, Part of the Hereditary Possessions and Land Revenues of the Crown, and upon such Payment being made the Site of the said intended Building and all Erections thereon, with all Offices, Areas, Yards, Walls, Fences, Drains, Sewers, Rights, Easements, and Appurtenances appertaining thereto, and the Inheritance thereof in Fee Simple, shall vest in the Commissioners of Her Majesty's Works and Public Buildings, and their Successors, as incorporated by the Act of Fifteenth *Victoria*, Chapter Twenty-eight, freed and discharged from all other Estates, Claims, and Incumbrances (if any).

Schedule to the Agreement to be paid to the Commissioners of Woods, and such Land thereupon to vest in the Commissioners of Works.

III. Immediately after the said intended Building in *Pimlico*, with the Appurtenances thereto, shall have been completed fit for Use as the Office of the Duchy of *Cornwall*, as by the said Articles of Agreement provided, and shall have been delivered up into the Possession of the Council of the said Duchy, and such Sum of Money (if any) as shall, in pursuance of the said Articles of Agreement, become payable by the said Council to the Account of Her Majesty's Exchequer, shall have been paid, the said intended Building in *Pimlico* and the Site thereof, with all Offices, Areas, Yards, Walls, Fences, Drains, Sewers, Rights, Easements, and Appurtenances appertaining thereto, and the Inheritance thereof in Fee Simple, shall vest in Her Majesty, Her Heirs and Successors, freed and discharged from all other Estates, Claims, and Incumbrances (if any), upon the same Trust for allowing such Building and Premises, with the Appurtenances, to be used as the Office of the Duchy of *Cornwall*, as the Office and Premises of the said Duchy in *Somerset House* are now subject to; and the said Office and Premises of the said Duchy in *Somerset House*, with their Rights, Easements, and Appurtenances, shall remain vested in Her Majesty, Her Heirs and Successors, freed and discharged from the said Trust, for allowing the same to be used for the Office of the said Duchy, but upon the same or the like Trusts as the said Premises in *Somerset House* would have been subject to in case the Office of the Duchy of *Cornwall* had not been one of the Public Offices named in or established under the said Act of King *George* the Third.

Upon Completion of the Building in Pimlico, and the Delivery of Possession to the Council of the Duchy, the same to vest in Her Majesty;

present Office of the Duchy to be held as the other Portions of Somerset House.

IV. Such Sum of Money (if any) as shall in pursuance of the said Articles of Agreement become payable by the Council of the said

Such Money as may become payable by the Duchy to be

paid to the Account of the Consolidated Fund

Duchy to the Account of Her Majesty's Exchequer of the United Kingdom shall be paid by the said Council into the Bank of *England* to the Account of Her Majesty's Exchequer, to be carried to the Consolidated Fund, and may be so paid by the said Council out of any Monies for the Time being applicable to any of the Purposes of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of* Cornwall, *to purchase other Lands, and for other Purposes.*

7 & 8 Vict. c. 65.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. XCIV.

An Act to alter the Mode of providing for certain Expenses now charged upon certain Branches of the Public Revenues and upon the Consolidated Fund. [10th *August* 1854.]

WHEREAS the several Charges and Payments described in the Schedule (A.) to this Act are charged, by various Acts of Parliament or otherwise, upon certain Branches of the Public Revenue: And whereas certain other Charges and Payments described in the Schedule (B.) to this Act are also charged by the like Authorities upon the said Revenue and upon the Consolidated Fund respectively: And whereas it is expedient, in order to bring the gross Income and Expenditure of the United Kingdom and the *Isle of Man* under the more immediate View and Control of Parliament, that such Charges and Payments should be otherwise provided for, as herein-after mentioned, and that the financial Accounts should be prepared and Payments regulated with reference to the Periods for which Supplies are now commonly granted by Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From

Public Revenue and Consolidated Fund Charges.

Charges in Schedule (A.) to be payable out of the Consolidated Fund; and Charges in Schedule (B.) to be paid out of Aids, &c. voted by Parliament, except in certain Cases.

I. From and after the First Day of *April* One thousand eight hundred and fifty-four, the several Charges and Payments described in the Schedules (A.) and (B.) to this Act, and which, under the Acts and Authorities in the same Schedules respectively referred to, are charged on or made payable out of the several Branches of the Public Revenue in such Schedules mentioned, or on or out of the Monies in the Hands of Commissioners or Collectors or other Receivers of such Revenues, or otherwise now charged on or payable out of all or any Parts of such Revenue respectively, or on or out of the Consolidated Fund of the United Kingdom, shall cease to be so charged and payable; and such of the said Charges and Payments as are described in the said Schedule (A.) shall be charged on and payable out of the said Consolidated Fund; and such of the said Charges and Payments as are described in the said Schedule (B.) shall be paid out of such Aids or Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose: Provided always, that where the Salary of any Office holden for Life or during good Behaviour is fixed by or under any Act of Parliament, and charged on or payable out of the said Consolidated Fund, or payable out of the gross Produce of Customs and Excise under the Act of the Seventh Year of Queen *Anne*, Chapter Eleven, the Act of the Tenth Year of Queen *Anne*, Chapter Twenty-six, and subsequent Acts, nothing herein contained shall, so long as the present Holder of such Office continues to hold the same, affect the Charge on the said Consolidated Fund, or the Payment out of the gross Produce of Customs and Excise, of the Salary which at the Time of the passing of this Act is payable in respect of such Office: Provided also, that in the event of any Payment being made out of the said Revenues, or out of the Consolidated Fund, before the passing of this Act, on account of any of the Services described in the said Schedules for any Period subsequent to the said First Day of *April* One thousand eight hundred and fifty-four, the same shall be repaid to the said Revenues, or to the Consolidated Fund, as the Case may be, out of the Consolidated Fund, or out of Monies which may be provided by Parliament for such Services for the Year One thousand eight hundred and fifty-four—five.

Charges to be defrayed as heretofore up to the passing of the Act.

Annual Financial Accounts to be made up to 31st March instead of 5th January.

II. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall see fit, at and after such Time as may appear to them convenient, instead of the Accounts now by Law directed to be annually prepared and made out for One Year ending on the Fifth Day of January in each Year of the total Income of the United Kingdom, including all the ordinary Revenues and extraordinary Resources thereof, and of the Income of the said Consolidated Fund, and of the actual Payments thereout, and of the future annual Charge upon

upon the said Fund, and of the net Produce of all the permanent Taxes of the United Kingdom, and of the Arrears and Balances due from all public Accountants, and of the Exports and Imports of the United Kingdom, and of the Shipping registered in or belonging to the several Ports of Her Majesty's Dominions, and of the public Expenditure of the United Kingdom, and of the Public Funded Debt of the United Kingdom, and the Reduction thereof, and of the Unfunded and Outstanding Debt of the United Kingdom, and instead of the Account showing how the Monies given for the Service of the United Kingdom for the Year preceding the said Fifth Day of *January* have been disposed of, to cause Accounts to be annually prepared and made up for One Year ending on the Thirty-first Day of *March*, and in all respects with reference to such Day, in like Manner as if in the Provisions now in force relating to the Preparation and making out of such Accounts the Thirty-first Day of *March* was substituted for the Fifth Day of *January*; and the said Commissioners shall in each Year cause such Accounts to be laid before both Houses of Parliament on or before the Thirtieth Day of *June*, if Parliament be sitting, or if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Quarterly Accounts of Receipts and Expenditure of the United Kingdom to be made up to the End of March, June, September, and December, instead of the old Quarter Days.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury, at and after such Time as may appear to them convenient, instead of the Accounts of the actual Receipt and Expenditure of the United Kingdom now by Law directed to be prepared Four Times in the Year, within Thirty Days after the Fifth Day of *April*, the Fifth Day of *July*, the Tenth Day of *October*, and the Fifth Day of *January* respectively, showing the actual Receipt and Expenditure of the United Kingdom in the Four Quarters for the whole of the Year immediately preceding such several quarterly Days respectively, according to the actual Receipt and Issue of Monies at the Receipt of Her Majesty's Exchequer, to cause like Accounts to be prepared within Thirty Days after the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in each Year, showing such Receipt and Expenditure in the Four Quarters for the whole of the Year ending on such several last-mentioned quarterly Days respectively, and from and after the Time at which the said Accounts shall be first made up to any of such last-mentioned quarterly Days to which such Accounts shall be made up, in pursuance of this Act, the Sums by the Act of the Tenth Year of King *George* the Fourth, Chapter Twenty-seven, directed to be from Time to Time issued out of the said Consolidated Fund to the Commissioners for the Reduction of the National Debt, shall be ascertained according to such Accounts as if the last-mentioned quarterly Days had been mentioned in the said Act instead of

10 G. 4. c. 27.

of the quarterly Days mentioned therein, and all other Provisions relating to the Accounts required to be prepared as aforesaid and referring to such quarterly Days shall be construed in like Manner.

Accounts of Income and Charge of Consolidated Fund to be made up to the End of March, June, September, and December, instead of the old Quarter Days.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury, at and after such Time as may appear to them convenient, instead of making up the Accounts of the Income and Charge of the said Consolidated Fund for the Quarters ending on the Fifth Day of *April*, the Fifth Day of *July*, the Tenth Day of *October*, and the Fifth Day of *January* in each Year, to cause such Accounts to be made up for the Quarters ending on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in each Year, and from and after the Time at which the said Accounts shall be first made up to any of such last-mentioned quarterly Days, in case it appear to the Commissioners of Her Majesty's Treasury, upon making up such Accounts for the Quarter ending on any of such quarterly Days in any Year, that the Produce of the said Fund is not sufficient to defray the Charges thereupon, including such Charges as would fall due on the old quarterly Day then next, it shall be lawful for such Commissioners, from Time to Time, by Warrant under their Hands, to cause or direct Exchequer Bills to be made out for the Deficiency, according to the Provisions of the Act of the Fifty-seventh Year of King *George* the Third, Chapter Forty-eight, and as if the last-mentioned quarterly Days had been mentioned in such Act instead of the quarterly Days mentioned therein, and the Provisions of the said Act shall be construed accordingly.

57 G. 3. c. 48. s. 6.

Times to which quarterly Exchequer Accounts are to be made up.

V. It shall be lawful for the Commissioners of Her Majesty's Treasury, at and after such Time as may appear to them convenient, to direct that the quarterly Accounts now made up by the Comptroller General of the Exchequer, under the Provisions of the Twenty-third Section of the Act, Fourth *William* the Fourth, Chapter Fifteen, shall be made up to the Termination of the Quarters ending Thirty-first *March*, Thirtieth *June*, Thirtieth *September*, and Thirty-first *December* in every Year, and that the annual Account directed by the same Section of the said Act to be prepared and laid before each House of Parliament, together with the Certificates required to be furnished by the Principal Cashier of the Bank of *England* of the Sum remaining to the Credit of the Exchequer, shall be prepared for the Year ending on the Thirty-first *March*; and such quarterly Accounts shall thenceforward be transmitted to the Commissioners for auditing the Public Accounts; and such annual Accounts shall be laid before each House of Parliament within

within Ten Days after the Times fixed for such Purpose by the said Act.

Charges in Schedule (B.) may be paid on the new Quarter Days.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury, if and where they see fit, to cause all or any of the said Charges and Payments described in the said Schedule (B.) now payable on any other quarterly Days than the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December*, to be paid on such last-named Days, or where any such Charges or Payments are payable yearly or half-yearly on any other than some of such Days, to cause the same to be paid on One or Two (as the Case may require) of such Days as aforesaid; and where the Days of Payment of any such Charge or Payment are altered as aforesaid the said Commissioners shall cause such Deduction to be made from the Payment to be made on the first of the substituted Days of Payment of such Sum as shall be proportionate to the Period by which such Payment is accelerated.

Fees applicable towards the Payment of Charges in Schedule (B.) to be carried to Consolidated Fund.

VII. Where any of the Charges and Payments described in the said Schedule (B.) are by Law payable out of or charged upon any Fees or other casual Receipts, and are payable out of the said Consolidated Fund only in the Event and to the Extent of any Deficiency of such Fees or other casual Receipts, such Fees or other casual Receipts shall from and after the said First Day of *April* One thousand eight hundred and fifty-four, in such Cases as the Commissioners of the Treasury may think fit and direct, cease to be applicable to such Charges or Payments, and be from Time to Time paid into the Receipt of the Exchequer, and be carried to and form Part of the said Consolidated Fund, in which Case the entire Charges shall be provided for out of Monies to be granted by Parliament; but until such Fees or other casual Receipts shall be so paid into the Receipt of the Exchequer, in pursuance of any Direction of the Commissioners of the Treasury, the same shall continue applicable to such Charges or Payments, and such Charges or Payments shall be paid out of Aids or Supplies to be from Time to Time provided and appropriated by Parliament only in the Event and to the Extent of any Deficiency in such Fees or casual Receipts.

Treasury may make Regulations, &c.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to make such Rules and Regulations and issue such Orders concerning the Form and Mode of Transmission of Certificates and Vouchers, and otherwise for checking, controlling, and regulating the Payment of the Charges transferred to the Consolidated Fund by this Act, and for enforcing and regulating the

accounting for and due Payment of the Moneys to be carried to the Consolidated Fund under this Act, as they may think fit; and a Return of any such Rules and Regulations which may be issued by the Commissioners of Her Majesty's Treasury shall be laid before Parliament within Six Weeks from the Date of the Issue thereof, if Parliament be then sitting, and if not then sitting, within Six Weeks from the Day of the next ensuing Meeting of Parliament.

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SCHEDULE (A.)

SCHEDULE OF SALARIES, PENSIONS, COMPENSATIONS, and other PAYMENTS, charged on the gross REVENUES of CUSTOMS, EXCISE, and TAXES, under the Acts 7 Anne, cap. 11., 10 Anne, cap. 26.. 50 Geo. 3. cap. 31, and subsequent Acts, to be charged on the CONSOLIDATED FUND.

Salaries of the Lord President of the Court of Session, the Lord Justice Clerk, and the other Judges of the Court of Session performing the Duties of the Courts of Session, Justiciary, and Court of Exchequer, and of the Bill Chambers, as fixed by the Act 2 & 3 Vict. cap. 36. - - - - - -

Pensions of the Judges in Scotland, according to the Scale fixed by the Act 48 Geo. 3. cap. 145. and 2 Will. 4. cap. 54.

Salaries of Sheriffs and Sheriffs Substitute, per Act 16 & 17 Vict. cap. 80.

Retiring Allowances to the Sheriffs Substitute, under the Act 1 & 2 Vict cap. 119. - - - -

Compensations to various Persons for Loss of Fees and Annuities granted under the following Acts, viz.:—

49 Geo. 3. cap. 42. - - - -
50 Geo. 3. cap. 112. - - - -
1 & 2 Geo. 4. cap. 38. and cap. 39. - -
4 Geo. 4. cap. 97. - - - -
11 Geo. 4. & 1 Will. 4. cap. 69. - -
1 & 2 Vict. cap. 118. - - -
10 & 11 Vict cap. 47. and cap. 51. and cap. 67. -

Augmentation of Stipends to Scotch Clergy, under the Acts 50 Geo. 3. cap. 84.; 4 Geo. 4. cap. 79.; 5 Geo. 4. cap. 72. and cap. 90. - - - - - - -

Charges upon the Customs Revenue of the Isle of Man, under the Act 16 & 17 Vict. cap. 107. - - -

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SCHEDULE (B.)

SCHEDULE OF SALARIES and PAYMENTS charged under various Acts of Parliament upon or payable out of the Consolidated Fund, and the several Branches of the Public Revenues, to be provided for by ANNUAL VOTES, or otherwise as prescribed in Clauses 1. and 7.

Now charged on C. Fund	Salaries and Contingencies of the Audit Office, exclusive of the Salaries of the Board - - - -	46 Geo. 3. c. 141.
"	Salaries and Contingencies of the General Register Office of Births, Deaths, and Marriages, England - -	6 & 7 Will. 4. c. 86.
"	Salaries and Contingencies of the General Register Office of Births, Deaths, and Marriages, Ireland - -	7 & 8 Vict c. 81.
"	Salaries and Contingencies of the Tithe, Copyhold, and Inclosure Commission - - - -	6 & 7 Will. 4. c. 71. 14 & 15 Vict. c. 53. 8 & 9 Vict c. 118.
"	Salaries and Contingencies of the National Debt Office - -	4 Geo. 4. c. 19.

Public Revenue and Consolidated Fund Charges.

Now charged on		
C. Fund	Salaries and Contingencies of the Public Works Loan Office, including the Expenses of the Office for West India Islands Relief - - - -	5 Vict. (sess. 2.) cap. 9. and 2 & 3 Will. 4. c. 125.
"	Contingent Expenses of the Lunacy Commissioners - - - -	8 & 9 Vict. c. 100.
"	Salaries of Official Referees and Registrar for Metropolitan Buildings - -	7 & 8 Vict. c. 84. 9 Vict. c. 5.
"	Salary of the Registrar of Friendly Societies - - - -	13 & 14 Vict. c. 115. 15 & 16 Vict. c. 65.
"	Salary of the General Superintendent of Turnpike Roads in South Wales -	7 & 8 Vict. c. 91.
"	Salary of the Secretary to the Board of Education in Ireland and Contingencies of the Board - - -	53 Geo. 3. c. 107. 3 Geo. 4. c. 79.
"	Allowance in aid of the Royal Irish Academy, Dublin - - -	40 Geo. 3. c. 60. 41 Geo. 3. c. 32.
"	Expenses of the Police Courts of the Metropolis, except the Salaries of the Police Magistrates - - -	2 & 3 Vict. c. 71.
"	Expenses of the Mounted Police, River Police, and Police Van Service, and Superannuation of the late Horse and Foot Patrol - - -	2 & 3 Vict. c. 47.
"	Contribution towards defraying the Charge of maintaining the Police of the Metropolis, and Salaries of the Commissioners of Police -	3 & 4 Will 4. c. 89 2 & 3 Vict. c. 47.
"	Salaries and Contingencies, Queen's Prison	5 Vict. c. 22.
"	Salary of Clerk of the Patents, Court of Chancery - - - -	3 & 4 Will. 4. c. 84.
"	Salary of the Clerk of the Crown, Court of Chancery - - - -	3 & 4 Will. 4. c. 84. 7 & 8 Vict. c. 77. 15 & 16 Vict. c. 87. s. 23.
"	Salaries of Treasurers of County Courts	
"	Deficiency of Fee Fund of County Courts to pay Salaries of Officers, and the Expenses of the said Courts other than the Salaries of Judges -	9 & 10 Vict. c. 95.
"	Expenses of the Crown Office - -	6 Vict. c. 20.
"	Expenses of the Registrar's and Marshal's Office of the High Court of Admiralty	3 & 4 Vict. c. 66.
"	Remuneration to Revising Barristers for Revising Lists of Voters in England and Wales - - - -	6 Vict. c. 18.
"	Deficiency of the Fee Fund for Payment of Salaries and Contingencies of Officers of Court of Queen's Bench, Westminster, excepting Masters -	
"	Deficiency of the Fee Fund for Payment of Salaries and Contingencies of Officers of Court of Common Pleas, Westminster, excepting Masters -	1 Vict. c. 30 15 & 16 Vict. c. 73.
"	Deficiency of Fee Fund for Payment of Salaries and Contingencies of Officers of Court of Exchequer, Westminster, excepting Masters - - -	

Public Revenue and Consolidated Fund Charges.

Now charged on		
C. Fund	Salaries and Allowances of Officers (excepting Salary of Master of the Rolls and Masters in Ordinary) and Clerks and Expenses in the Court of Chancery in Ireland, under the Acts	4 Geo. 4. c. 61. 6 Geo. 4. c. 30. 4 & 5 Will. 4. c. 78. 11 & 12 Vict. c. 132.
,,	Salaries and Allowances of the Officers and Clerks of the Court of Queen's Bench, Ireland, excepting Masters -	7 & 8 Vict. c. 107.
,,	Salaries and Allowances of the Officers and Clerks of the Court of Common Pleas, Ireland, excepting Masters -	7 & 8 Vict. c. 107.
,,	Salaries and Allowances of the Officers and Clerks of the Court of Exchequer, Ireland, excepting Masters -	7 & 8 Vict. c. 107.
,,	Salaries of Taxing Officers in Common Law Business, and of Clerks to the same in Ireland - - -	7 & 8 Vict. c. 107. 1 & 2 Geo. 4. c. 53.
,,	Salary of Clerk to the Court of Errors, Ireland - - - -	40 Geo. 3. c. 39.
,,	Salaries and Contingent Expenses of the Insolvent Debtors Court, Ireland, except Salaries of Commissioners -	1 & 2 Geo. 4. c. 59. 3 Geo. 4. c. 124.
,,	Salaries of Registrars to the Judges, Ireland - - - -	1 & 2 Geo. 4. c. 54.
,,	Salaries of Marshals, Chaplains, Medical Officers, Repairs and Expenses of the Four Courts, Marshalsea, Ireland - - - -	7 Geo. 4. c. 70. 7 Geo. 4. c. 74. 50 Geo. 3. c. 103.
,,	Salaries of Justices of Police (Commissioners), Dublin - - - -	6 & 7 Will. 4. c. 29.
,,	Pay, Superannuations, and all other Expenses of the Constabulary Police in Ireland - - -	9 & 10 Vict. c. 97. 10 & 11 Vict. c. 100.
,,	Office of Clerk of Writs and Appearances and Seal Expenses (Dublin) -	7 & 8 Vict. c. 107. 13 & 14 Vict. c. 18.
,,	Registrar of Judgments, Office of (Dublin)	7 & 8 Vict. c. 90. 13 & 14 Vict. c. 74.
,,	Expenses of Judges attending adjourned Assizes (Ireland), saving and except the Salaries and Remunerations to the Judges and Crown Lawyers acting judicially and presiding or serving at adjourned Assizes -	36 Geo. 3. c. 26. & 40 Geo. 3. c. 69. Irish.
,,	Expenses of Judges attending Special Commissions (Ireland), saving and except the Salaries and Remunerations to the Judges and Crown Lawyers acting judicially and presiding or serving at Special Commissions - - - -	
,,	Lodging Money for Judges at Assizes (Ireland) - - - -	41 G. 3. c. 88.
,,	County Infirmaries, Ireland - -	5 G. 3. c. 20.
,,	Bounty on Slaves, and Tonnage of Slave Vessels - - - -	1 Will. 4. c. 55. 1 & 2 Vict. c. 47.

Public Revenue and Consolidated Fund Charges.

Now charged on		
Customs and Excise	Salaries and Allowances, and Expenses of the Officers, Clerks, and others of the several Courts of Law in Scotland. Salaries of Her Majesty's Advocate, Her Majesty's Solicitor, Keeper of the Register of Hornings and Abbreviates of Adjudications, Deputy Clerk Registrar and other Salaries, Allowances and Expenses payable out of the Revenues of Customs and Excise, and not placed on Consolidated Fund in Schedule A. - - - -	7 Anne, c. 11. 10 Anne, c. 26. and subsequent Acts.
"	Her Majesty's Allowance for the Register House, Edinburgh - -	
"	Salaries of the Lion King-at-Arms, Heralds and Pursuivants - -	
"	Expenses of Judges and Officers of the Circuits of the Justiciary and Jury Courts - - - -	
"	Expenses of extra Advocates Depute, Clerks and Macers on Circuit -	
Customs	Difference between Dues on British and Foreign Vessels under Treaties of Reciprocity - - -	59 Geo. 3. c. 54.
Customs & Excise	Treasurers of Counties for Corn Returns, Salaries of Inspectors, and Expenses	5 Vict. (s. 2.) c. 14.
Customs	Expenses of Quarantine	
Ditto	Expenses of carrying out the Merchant Seamen and Mercantile Marine Acts	7 & 8 Vict. c. 112.
Excise	The Commissioners of White Herring Fishery Board, &c., and for Repair of Piers, Quays, and Boats - -	5 Geo. 4. c. 64.
Ditto	Ditto for improving Fisheries and Manufactures - - - -	5 Geo. 1. c. 20.
Ditto	Salaries to Process-servers, Ireland -	7 Geo. 4. c. 36.
Taxes	Commissioners Highland Roads and Bridges - - - -	59 Geo. 3. c. 35.
Post Office	Expenses of Milford Road Fund -	6 Will. 4. c. 25.
Customs	Charges of Collection and Management of the Revenue of Customs - -	Various Acts.
Inland Revenue	Ditto ditto " " of Inland Revenue - -	
Post Office	Ditto ditto " " of Post Office - - -	

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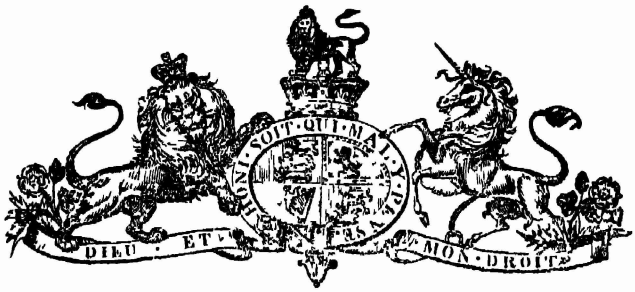

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XCV.

An Act to make better Provision for the Administration of the Laws relating to the Public Health. [10th *August* 1854.]

WHEREAS by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Sixty-three, "for promoting the Public Health," a Board was constituted for superintending the Execution of that Act, to be called "The General Board of Health," and it was thereby provided that the said Board should be continued only for Five Years next after the passing of that Act, and thenceforth until the End of the then next Session of Parliament; and by the said Act the said Board were authorized, with the Approval of the Commissioners of the Treasury, to appoint a Secretary and such Clerks and Servants and so many Superintending Inspectors as they might deem necessary for the Purposes of the said Act, every Person so appointed to be removable at the Pleasure of the said Board: And whereas under the Metropolitan Interments Act, 1850, an additional Member of the said Board was appointed, and by an Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, Her Majesty

11 & 12 Vict. c. 63.

13 & 14 Vict. c. 52.

15 & 16 Vict. c. 85.

was

was authorized to continue the Appointment of the said additional Member during the Continuance of the said Board: And whereas by certain other Acts certain Powers and Duties are vested in the General Board of Health: And whereas it is expedient that the General Board of Health should be reconstituted: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

General Board of Health and Appointment of Officers determined.

I. On the passing of this Act so much of the said Act for promoting the Public Health as provides what Persons shall constitute the General Board of Health, and limits the Duration of such Board, and so much of the same Act as relates to Appointments by such Board, and so much of any other Act as authorizes the Appointment of an additional Member of such Board, shall be repealed, and the General Board of Health, as constituted by the said Act for promoting the Public Health, and all Appointments of Members thereof, and all Appointments made by such Board under the Authority of the said Act, shall, save as herein-after otherwise provided, cease and determine.

Constitution of General Board of Health.

II. It shall be lawful for Her Majesty from Time to Time, by Warrant under the Royal Sign Manual, to appoint a Person to be, during Her Majesty's Pleasure, President of the General Board of Health under this Act, and such President and Her Majesty's Principal Secretaries of State for the Time being, and the President and Vice President for the Time being of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall constitute and be the General Board of Health, and during any Vacancy in the said Board the continuing Members thereof may act as if no Vacancy had occurred; provided, that the said Board of Health shall be continued only for One Year next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

Salary of President.

President to be capable of sitting in the House of Commons.

III. There shall be paid to the President of the General Board of Health under this Act such Salary, not exceeding Two thousand Pounds *per Annum*, as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, but no Salary shall be paid to any other Member of the said Board; and such President shall be capable of being elected, and of sitting and voting as a Member of the House of Commons.

IV. It

IV. It shall be lawful for the said General Board of Health to appoint from Time to Time a Secretary and Assistant Secretary, and such Clerks and Officers of the said Board, and also so many Superintending Inspectors under such Board, as the Commissioners of Her Majesty's Treasury may think fit; and any such Secretary, Assistant Secretary, Clerk, or Officer, and any such Superintending Inspector, may be removed by the said Board.

Board to appoint Officers.

V. There shall be paid to the said Secretary, Assistant Secretary, Clerks, Officers, and Superintending Inspectors such Salaries as shall from Time to Time be appointed by the Commissioners of Her Majesty's Treasury: Provided always, that the Commissioners of Her Majesty's Treasury may allow to any Superintending Inspector such reasonable Travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office, in addition to his Salary.

Treasury to fix Salaries of Officers and Allowances to Superintending Inspectors.

VI. All Powers and Duties by this Act vested in the General Board of Health constituted under this Act, or which may be hereafter vested in such Board, may be exercised and performed by the President for the Time being of such Board alone or by any Two or more Members thereof; and all Documents or Copies of Documents purporting to proceed from such Board, and to be signed by the President or any Two or more of the Members of such Board, and to be sealed or stamped with the Seal of the General Board of Health, shall be received as *primâ facie* Evidence in all Courts or Places whatsoever.

All Powers, &c. vested in Board may be exercised by the President or any Two Members.

VII. All the Powers and Duties vested in the General Board of Health under the said Act for promoting the Public Health, or any other Act, shall on the passing of this Act become transferred to and vested in the General Board of Health as constituted under this Act; and every Superintending Inspector appointed under this Act shall have all the Powers, Duties, and Liabilities vested in or imposed upon any Superintending Inspector under the said Act for promoting the Public Health; and all Provisions in any Act of Parliament and in any Order of the General Board of Health, and all Instruments whatever in which the General Board of Health, or the Secretary, or a Superintending Inspector, or any other Officer of such Board is mentioned or referred to, shall, so far as may not be inconsistent with the Provisions of this Act, be construed as referring to the General Board of Health as constituted under this Act, or to the Secretary, or a Superintending Inspector, or such other Officer of such Board.

Transfer of Powers and Duties of Board of Health to such Board as constituted by this Act.

VIII. All

All pending Inquiries and Proceedings may be completed under this Act.

VIII. All Inquiries and Proceedings, Matters and Things, commenced by or under the Authority of the Board hereby determined, may be completed by and under the Authority of the Board constituted by this Act.

Treasury may grant a Retiring Allowance to One of the Members of the Board determined by this Act.

IX. It shall be lawful for the Commissioners of Her Majesty's Treasury to grant to One of the Members of the General Board of Health constituted by the said Act for promoting the Public Health such Compensation or Superannuation or Retiring Allowance, not exceeding One thousand Pounds *per Annum*, as the said Commissioners may deem just and proper to be awarded.

Salaries, &c. to be paid out of Monies to be provided by Parliament.

X. All Salaries payable under this Act, and all incidental Expenses of the said Board constituted by this Act, and all Compensations and Allowances granted under this Act, shall be paid out of such Monies as shall be provided by Parliament.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XCVI.

An Act for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares.

[10*th August* 1854.]

WHEREAS it is expedient that Gold of Standards inferior to those now allowed by Law should be permitted to be used in Manufactures of Gold, and that Provision should be made for authorizing such lower Standards: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for Her Majesty, by any Order or Orders to be from Time to Time made by and with the Advice of Her Privy Council, to order that any Gold Vessel, Plate, or Manufacture of Gold may be wrought of any Standard not being less than One Third Part in the whole of Fine Gold, to be declared in any such Order, and also to approve thereby of the Instrument with which Gold Vessels, Plate, and Manufactures of Gold shall be marked or stamped, setting forth in Figures the actual Fineness thereof, according to

Her Majesty may, by Order in Council, allow any Standard for Gold Wares not less than One Third Part in the whole.

to the Standard so declared; and every such Gold Vessel, Plate, and Manufacture of Gold may be wrought accordingly; and it shall be lawful for Her Majesty, by and with the Advice aforesaid, to revoke or alter from Time to Time any such Order as aforesaid.

Gold and Silver Wares may be assayed at any lawful Assay Office wherever manufactured.

II. Workers or Dealers in Gold or Silver may register their Names, Marks, and Places of Abode at any Assay Office or Offices established by Law which they may select, and may thereupon have the Wares which are manufactured by them assayed and marked at such Office or Offices, without being liable to any Forfeiture or Penalty imposed by any Act now in force for not registering their Names, Marks, or Places of Abode, or for making, selling, or exporting such Wares without being marked at a particular Assay Office, and the Wares which shall be assayed as aforesaid may be sold or exposed by any Person without being liable to any Forfeiture or Penalty, notwithstanding any Provision to the contrary in any Act now in force.

Gold Wares unnecessarily marked not liable to Duty on Gold Plate.

III. If any of the Gold Wares which by any Statute now in force are not liable to be assayed and marked shall nevertheless be assayed and marked as of One of the Standards authorized by Law, such Wares shall not by reason thereof be chargeable with the Duty now levied upon Gold Plate.

Provisions of existing Acts to be applicable to the new Standard.

IV. Nothing in this Act contained shall be deemed or taken to repeal the Statutes now in force relating to Standards of Gold Wares, or to the Marks for denoting the same, or any of such Statutes, but the same, and all the Provisions, Prohibitions, Penalties, and Forfeitures enacted thereby respectively, shall continue to be in as full Force and Effect as if this Act had not passed, and shall be construed with and as forming Part of this Act, save only that in the Interpretation thereof all Standards authorized by Her Majesty in pursuance of this Act shall be deemed and taken to be lawful Standards; and all Gold Vessels, Plate, and Manufactures wrought in conformity with this Act shall be deemed and taken to be lawfully wrought within the Meaning of the said Statutes; and all Gold Vessels, Plate, and Manufactures duly assayed and marked in conformity with this Act, and being of the Standard duly authorized in pursuance of the same, shall be deemed and taken to be lawfully assayed and marked within the Meaning of the same Statutes respectively.

Penalty for marking Gold Ware of a lower

V. If any Assayer or other Officer or Person employed by any Company or Corporation authorized to assay and mark Gold Vessels, Plate, or Manufactures of Gold shall mark or permit or suffer to be marked

marked any Gold Vessel, Plate, or Manufacture of Gold of a lower Standard with any Die or other Instrument used by any such Company or Corporation for marking Gold Vessels, Plate, or Manufactures of Gold of a higher Standard, every such Company or Corporation to which such Assayer or Officer shall belong or by which such Person shall be employed shall for every such Offence forfeit and pay to Her Majesty the Sum of Twenty Pounds, which may be sued for and recovered in such and the like Manner as Penalties recoverable under any Act in force relating to Stamp Duties are to be sued for and recovered by Law; and every such Assayer or other Officer or Person employed as aforesaid, upon Complaint or Information made thereof by any Officer of Stamp Duties to any Justice of the Peace having Jurisdiction where any such Offence shall be committed, upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), and upon being convicted of such Offence by or before such Justice, shall be by him forthwith dismissed and discharged from his said Office and Employment of or in the Company or Corporation to or in which he shall have so belonged or been so employed as aforesaid, and shall be incapable for ever afterwards of holding any Office or Employment in or under the same or any other such Company or Corporation; and every Gold Vessel, Plate, and Manufacture of Gold of a lower Standard so marked as last aforesaid shall and may be lawfully seized by any such Company or Corporation other than the Company or Corporation to which the offending Officer or Person belongs or by whom he is employed, and shall be dealt with in like Manner as is provided with respect to Wares seized by virtue of the Provisions of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Twenty-two.

Standard with the Mark appropriated to a higher Standard.

LONDON:
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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. XCVII.

An Act to amend and extend the Acts for the Inclosure, Exchange, and Improvement of Land.

[10th *August* 1854.]

WHEREAS it is expedient that "The Acts for the Inclosure, Exchange, and Improvement of Land" should be amended and further extended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Provisions of the said Acts with respect to the Exchange and Partition of Land not subject to be inclosed under such Acts, or of Land subject to be inclosed under such Acts as to which no Proceedings for an Inclosure shall be pending, shall extend and be applicable to Land subject to be inclosed under such Acts whilst Proceedings for an Inclosure shall be pending.

Lands subject to be inclosed may be exchanged pending Inclosure Proceedings.

II. Undivided Shares in any Land or other Subject Matter of Exchange may be exchanged under the Provisions of the said Acts, upon the Application of the Person interested under the Provisions of the said Acts in respect of such undivided Shares.

Undivided Shares may be exchanged.

III. The

Land to include incorporeal Hereditaments

III. The Word "Land" shall extend to and include incorporeal as well as corporeal Hereditaments, and any undivided Share thereof.

Lessee the "Person interested" in certain Cases.

IV. Where any Land or Hereditaments shall have been leased for a Term which shall have exceeded One hundred Years from the Commencement thereof, and it shall be shown to the Satisfaction of the Commissioners that no Rent or Acknowledgment has been paid or given for the Period of Twenty Years, or that the Person entitled to the Rent reserved upon such Lease cannot, upon reasonable Inquiry, be ascertained, the Person in the actual Possession or Enjoyment of such Land or Hereditaments, or in the actual Receipt of the Rents and Profits thereof as Owner of such Term, shall be and be deemed to be the Person interested within the Provisions of the said Acts.

Orders of Exchange, Partition, and Division may be made, upon Application of Parties in possession under an Agreement.

V. It shall be lawful for the Commissioners, on the Application in Writing of the Parties in possession of any Lands, Tenements, or Hereditaments under any Agreement for the Exchange, Partition, or Division of the same or any of them, to proceed with such Exchange, Partition, or Division under the Provisions of the said Acts; and such Application, and Order thereon, shall be as valid and effectual as if the Parties making such Application had been the Parties interested under the Provisions of the said Acts.

Extending Time for Application for Conversion of Land to be inclosed into a regulated Pasture

VI. The Time limited by the said Acts for making an Application for the Conversion of Land which shall be directed to be inclosed under the said Acts, or any Part thereof, into a regulated Pasture, shall be extended to any Time before the Report of the Valuer has been sent to the Office of the Commissioners, although Instructions to the Valuer under their Seal may have been delivered to him.

Extending Time for Enrolment of Awards under Common Fields Act or Local Act

VII. Where an Award under the Act of the Seventh Year of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Fields in* England *and* Wales, or under any Local Act of Inclosure, shall not have been duly enrolled within the Time limited in that Behalf, it shall be lawful for the Commissioners, if they shall think fit, upon the Application in Writing of any Person interested in the Land to which such Award shall relate, and upon its being shown to the said Commissioners that such Award has been acted upon by the Parties interested thereunder, by an Order under their Hands and Seal to extend the Time for such Enrolment to such Period as they shall think fit, and the Enrolment of any such Award within such extended Time shall have the same Force and Effect as if the same had been enrolled within the Time limited in that Behalf.

VIII. Whereas

VIII. Whereas it is enacted by the first of the said Acts, that is to say, the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and eighteen, that all such Land as shall be taken in Exchange or on Partition, or be allotted, shall be held by the Person to whom it shall be given in Exchange or on Partition, or allotted, under the same Tenures, Rents, Customs, and Services as the Land in respect of which such Land shall have been given in Exchange or on Partition, or allotted, would have been held in case no such Exchange, Partition, or Inclosure had been made, and Doubts have arisen whether Land taken in Exchange or on Partition, or allotted, in respect of "Rights," will follow the Tenure of such Rights:

Tenure of Allotments in respect of Rights.

The Word "Land" in such recited Enactment shall include and be deemed to have included "Rights."

IX. Whenever it shall appear to the Commissioners that any public Roads or Driftways set out by the Valuer in the Matter of any Inclosure are of such a Nature or so situate that it is not necessary, for Public Convenience, that the same should be fenced, or made of hard Materials, and certified by Two Justices, the Commissioners may, by any Order under their Hands and Seal, certify that the said Roads or Driftways are sufficiently formed, having Reference to the Nature or Situation thereof; and such Roads shall thenceforth be kept in repair by such Persons and in such Manner as like public Roads within the said Parish are or ought by Law to be kept in repair; but such last-mentioned Persons shall not by such Obligation to repair be liable to convert the said Roads so set out into fenced Roads, or into Roads made of hard Materials.

Fencing and making Roads dispensed with, in certain Cases.

X. In all Cases where any Lands or Hereditaments are charged with any Fee-farm Rent, Rent Seck, Rent of Assize, or Chief Rent, or other annual or periodical fixed Rent, or other certain Payment, any Persons respectively interested, according to the Provisions of the said Acts, in such Lands, and in the said Rent or other certain Payment as aforesaid issuing therefrom, may make Application in Writing to the said Commissioners to apportion the said Rent or other fixed Payment among all the Lands charged with the Payment thereof, and the Commissioners, upon Receipt of such Application, shall, by themselves, or by an Assistant Commissioner, or other Person to be by them appointed for that Purpose, make Inquiry, and satisfy themselves as to the Expediency of such Apportionment: Provided always, that if in any Case there shall be any Doubt as to the Extent, Identity, or Boundaries of the Lands and Hereditaments charged with any such Rent or Payment, the Commissioners, Assistant Commissioner, or other Person appointed by them as aforesaid shall inquire into and ascertain such Extent, Identity, or Boundaries.

Apportionment of Fee farm Rents &c.

XI. If

Order of Apportionment.

XI. If the said Commissioners, after Inquiry made, shall be satisfied of the Expediency of such Apportionment, they may and they are hereby empowered, by an Order under their Hands and Seal, to apportion such Rent or other fixed Payment among all the Lands charged with the Payment thereof, and also, where necessary, to determine the Extent, Identity, and Boundaries of the Land and Hereditaments charged with such Rent or Payment; provided, that any specific Portion may, upon the Application of the Person interested in such Lands, be charged and apportioned upon any Close or Closes or other Part of the Estate in respect of which the said Portion of Rents or other fixed Payment was apportioned, so that in the Judgment of the said Commissioners such Part of the Estate be of not less than Six Times the annual Value of the Sum so charged thereupon.

Order to determine Boundaries.

Confirmation of Order.

XII. From and after the Confirmation of such Order by the said Commissioners, the Lands out of which the said Rent or other fixed Payment as aforesaid issued shall be chargeable in respect thereof only in the Manner and to the Extent directed and set forth in the said Order.

Recovery of apportioned Amounts.

XIII. And from and after the Confirmation of the said Order the Owner for the Time being of the said Rent or other fixed Payment as aforesaid, so far as the same has been apportioned upon the Lands of Persons interested and making Application as aforesaid, shall have all such Rights and Remedies for the Recovery of the apportioned Parts of such Rent or other fixed Payment as against the Portions of Land severally charged therewith respectively as such Owner would have had for the Recovery of such Rent or fixed Payment as against the Lands originally charged therewith in case no such Order had been made.

Expenses attending Apportionment.

XIV. The Persons making such Application as aforesaid shall pay the Expenses incident to such Apportionment in such Proportions and to such Amount as the Commissioners shall certify in that Behalf; and the Commissioners, or any Person authorized by them for that Purpose, may take all such Proceedings and have all such Remedies for the Recovery of such Expenses as they, or the Valuer acting in the Matter of any Inclosure, now have or may at any Time hereafter by Law have for the Recovery of the Expenses of or incident to any Inclosure under the Powers of the said recited Act.

Application of Compensation for Common

XV. Where any Money shall have been or may hereafter be paid to a Committee under "The Lands Clauses Consolidation Act, 1845," or under any Railway or other Special Act by which Money may have

have been directed or authorized to be paid to a Committee as Compensation for the Extinction of Commonable or other Rights, or for Lands, being Common Lands or in the Nature thereof, the Right to the Soil of which may have belonged to the Commoners, and the Majority of such Committee shall be of opinion that the Provisions of such Act for the Apportionment thereof cannot be satisfactorily carried into effect, such Majority may make Application in Writing to the Commissioners to call a Meeting of the Persons interested in such Compensation Money, to determine whether or not such Compensation Money shall be apportioned under the Provisions of this Act.

Rights paid under 8 & 9 Vict. c. 18.

XVI. If the Majority in Number and Interest shall resolve that such Compensation Money shall be apportioned, the Amount of such Compensation Money shall be forthwith paid into the Bank of *England*, to the Credit of an Account to be named by the Inclosure Commissioners for *England* and *Wales*; and the said Committee shall be absolutely discharged from all Liability in respect of such Compensation Money, upon Payment thereof into the Bank of *England* as herein-before directed.

Money to be paid into Bank of England.

XVII. As soon as the said Monies shall have been paid into the Bank as aforesaid, the said Inclosure Commissioners, or any Assistant Commissioner appointed or to be appointed by them for that Purpose, shall proceed to ascertain, determine, and award the Names of the Parties who were entitled to such Estates, Rights, and Interests in the said Common and Commonable Lands, and the Amount or Value of their respective Shares, Rights, and Interests therein, and the proportionate Amount of the Price so to be paid as aforesaid for such Estates, Rights, and Interests to which each Party so entitled as aforesaid is entitled, in respect of his Share, Right, or Interest as aforesaid; and the Award of the Commissioners under their Common Seal, or Assistant Commissioner in Writing under his Hand and Seal, shall be binding on all Parties claiming such Estates, Rights, and Interests as aforesaid; and for the Purpose of ascertaining the Rights and Interests of such Parties as aforesaid it shall be lawful for the said Inclosure Commissioners or Assistant Commissioner to call such Meetings as they or he shall think fit of all Persons having or claiming any such Rights or Interests in the said Common and Commonable Lands as aforesaid, at such Time and Place as the said Commissioners or Assistant Commissioner shall think fit, so as the same shall be appointed by a public Notice thereof in Writing to be affixed at least Twelve Days before such Meeting on the principal outer Door of the Parish Church in which such Land or any Part is situate; and to be inserted in One of the public Newspapers published or generally circulated in the County in which such Land is

Interests to be ascertained by Commissioners.

 situate;

situate; and at such Meeting the said Commissioners or Assistant Commissioner do and shall proceed to examine into and ascertain all and every the Claims which shall be made or put forward in respect of any such Rights or Interests as aforesaid, and the relative and proportionate Value of the Estates, Rights, and Interests of any Person or Persons claiming to be entitled thereto, and for that Purpose do and may employ any Valuer or Surveyor, and call for and receive such Records, Deeds, and Writings, and such other Proof or Evidence, as the said Commissioners or Assistant Commissioner may think fit; and they and he are and is hereby authorized and required to take the Testimony of any Witnesses upon Oath (which Oath they and he are and is respectively hereby empowered to administer), or to take the Affirmation of such Witnesses in Cases where Affirmation is allowed by Law instead of Oath

As to the Payment of Costs of Inclosure Commissioners, and as to the Residue of Monies

XVIII. All the Costs and Expenses of the said Inclosure Commissioners and Assistant Commissioner, and of any Valuer or Surveyor employed by them or him under the Provisions herein-before contained, shall, in the first place, be paid out of such Compensation Monies, and the Residue of the said Monies shall be paid and divided between and amongst the said several Parties to be named in the said Award, and in the Shares and Proportions to be ascertained and set forth in such Award.

Compensation for limited Interests to be paid to Trustees

XIX. When it shall appear to the Commissioners or Assistant Commissioner that any of the Parties entitled to such Rights or Interests are only entitled thereto for a limited Interest, then it shall be lawful for them or him, by their or his Award, to direct that the Monies to be paid in respect of such Right or Interest, where the same shall exceed Twenty Pounds, shall be paid to the Trustees acting under the Will, Conveyance, or Settlement under which such Person having such limited Interest shall be interested in such Rights or Interests, and where there are no Trustees then into the Hands of Trustees to be appointed under the Hands and Seal of the Commissioners, to be held by them on Trusts similar to the Uses or Trusts to which such Rights or Interests had been immediately before the Payment of such Monies into the Bank subject to, or as near thereto as the said Commissioners or Assistant Commissioner can ascertain; and the Receipts of any Trustees to whom any such Monies shall be paid as aforesaid shall be good and sufficient Discharges for the same. Provided always, that the Payment of all such Sums shall from Time to Time be subject to such Rules and Regulations, for the Purpose of ensuring the Payment thereof to the Person or Persons duly entitled to receive the same, as the said Commissioners shall by any Order direct.

XX. In

XX. In all Cases where the Sum payable by virtue of such Award, in respect of any Estate, Right, or Interest, shall not exceed Twenty Pounds, and the Person entitled to such Estate, Right, or Interest shall be under any Disability or Incapacity, such Sum shall and may be paid to the Guardian, Committee, or Husband of such Person; and where any such Person shall have a limited Interest only in such Estate, Right, or Interest, the whole of such Sum shall and may, nevertheless, be paid to the Person having such limited Interest, to his or her Guardian, Committee, or Husband, as the Case may be.

As to Sums payable in respect of Lands not exceeding 20*l.*

XXI. This Act shall be taken to be a Part of the said Acts, and shall be construed therewith, and be deemed to be included under any Reference to "The Acts for the Inclosure, Exchange, and Improvement of Land."

Act deemed Part of "The Acts for the Inclosure, &c. of Land."

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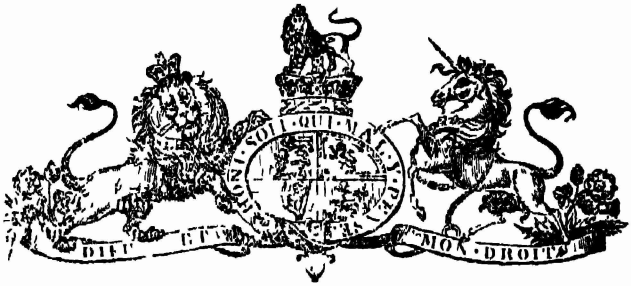

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Average struck in 1828 to endure till Martinmas 1855.

I. The Salaries of the said Schoolmasters shall continue and be paid, according to the said average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of *Martinmas* One thousand eight hundred and fifty-three till the Term of *Martinmas* One thousand eight hundred and fifty-five, both inclusive, as if such Average had not expired at the Term of *Martinmas* One thousand eight hundred and fifty-three, but had endured to the Term of *Martinmas* One thousand eight hundred and fifty-five, and such Schoolmasters shall have all such Rights and Remedies in respect of such Salaries as they had prior to the said Term of *Martinmas* One thousand eight hundred and fifty-three.

Recited Act continued.

II. So far as not inconsistent with this Act, the said recited Act shall continue in full Force and Effect: Provided always, that the Rights conferred on such Schoolmasters by this Act shall not be diminished or affected by any Meetings or Resolutions of Heritors held or passed since the said Term of *Martinmas* One thousand eight hundred and fifty-three.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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present Parliament assembled, and by the Authority of the same, as follows:

Building Trustees appointed and empowered to receive Subscriptions and Donations.

I. That *Francis William* Earl of *Charlemont*, *Richard Griffith* Esquire, *George Roe* Esquire, *Thomas Aiskew Larcom* Esquire, and *Thomas Hutton* Esquire, together with such Person and Persons as the Lord Lieutenant by Warrant under his Hand may from Time to Time appoint, shall be and they are hereby constituted Trustees of the Building next herein-after mentioned; and that it shall be lawful for the said Trustees and all other the Trustees of the said Building for the Time being (herein-after called the Building Trustees) to receive such Sums of Money as may be subscribed, given, or contributed, or may from any Source become available, for the Purpose of erecting a suitable Building in *Dublin* to be devoted in part to the fit Accommodation of a National Gallery of Paintings, Sculpture, and the Fine Arts, and the Remainder to the Reception of a Public Library.

Trustees empowered to lay out Monies in the Purchase of a Site.

II. It shall be lawful for the said Trustees or other the Trustees for the Time being of the said Building to take and hold, by Purchase, Lease, or otherwise, Ground in *Dublin* proper for the Site of the said Building, upon such Terms as they may deem advisable, and to lay out the Monies received by them in the Erection of the said Building, but with such Approbation nevertheless and subject to such Agreement as herein-after mentioned.

Persons enabled to make Leases for the Purposes of this Act.

III. All and every Persons and Person seised of or entitled in possession to Lands in *Ireland*, or to the Receipt of the Rents and Profits thereof, for an Estate of Fee-simple or Fee-farm, or any other perpetual Estate, subject to any Mortgage or Incumbrance, or for an Estate in Tail or *quasi* Entail of an Estate in Inheritance or perpetual Interest, or for the Term of his, her, or their own Life or Lives (not being Jointresses or Jointress), or for the Life or Lives of any other Person or Persons, or for so many Years as he, she, or they may live, or for an unexpired Term of Years, not being less than Sixty Years in its Inception, and whether absolute or determinable on a Life created out of an Estate of Inheritance or perpetual Interest by way of Settlement, and not in consideration of or subject to any Rent reserved thereby, and whether or not such Estate or Interest shall be subject to any Mortgage or other Incumbrance (provided the Incumbrancer shall not be in possession), shall have Power by virtue of this Act to make a Lease or Leases of all or any Part of such Lands to the said Building Trustees and to the said Royal *Dublin* Society respectively for any Term not exceeding Nine hundred and ninety-nine Years, or in Fee-farm, for the Purposes of the said Building

Building and of this Act: Provided always, that every such Lease made under this Act shall be a Lease in possession, and not in reversion or by way of future Interest, and that the Rent reserved thereby shall be the best improved yearly Rent that at the Time of making such Lease can be obtained or reasonably expected from a solvent Tenant, without Fine or Consideration of any kind: Provided always, that all Rents reserved and Covenants and Conditions contained in any Lease made under this Act shall enure to the Persons who for the Time being would, if such Lease had not been made, be entitled to the actual Possession of the Lands comprised in the said Lease, or to the Receipt of the Rents and Profits thereof, according to their Estates and Interests therein; and that every Lease made under this Act, and pursuant to the Provisions thereof, shall be valid to bind the Lessor or Lessors, his, her, or their Heirs, Executors, Administrators, Assigns, and Successors in Estate, and all Persons whomsoever deriving under the same Title or Settlement as that under which the Lessor or Lessors derives or derive, and notwithstanding any Entail, Law, or Custom to the contrary, and whether there be or be not any leasing Power annexed or belonging to the Estate of such Lessor or Lessors, but so as not to prejudice or interfere with any other Power of leasing to him, her, or them belonging.

Governors or Guardians of Marsh's Library empowered to remove the Library to the new Building.

IV. It shall be lawful for the Governors and Guardians of Archbishop *Marsh's* Library (anything in an Act of the Parliament of *Ireland*, intituled *An Act for settling and preserving a Public Library for ever in the House for that Purpose built by his Grace* Narcissus *now Lord Archbishop of* Armagh, *on Part of the Ground belonging to the Archbishop of* Dublin's *Palace near the City of* Dublin, passed in the Sixth Year of the Reign of Queen *Anne*, or otherwise, to the contrary notwithstanding,) to cause the said Library to be removed to the said Building so to be erected, as soon as the same shall be completed and in a Condition to receive the said Library: Provided always, that the said Governors and Guardians shall approve of the Plan and Arrangements of that Portion of the said Building to be appropriated to the Reception of a Public Library.

Governors, &c. of Marsh's Library empowered to dispose of their present Premises after such Removal.

V. It shall be lawful for the Governors and Guardians of the said Library, at any Time after the said Library shall have been removed to and deposited within the said Building so to be erected as aforesaid, from Time to Time to alien, sell, and dispose of the several Buildings, Grounds, Gardens, Courts, and Premises now vested in them by virtue of the said last-mentioned Act of Parliament, or otherwise, or any of them, or any Part thereof respectively,

anything

anything in the said Act or otherwise to the contrary notwithstanding: Provided always, that the Proceeds of all and every such Alienations, Sales, and Dispositions shall be applied by the said Governors and Guardians to make such Compensation as they shall think fit to any Officer or Officers for any Loss which such Officer or Officers shall have incurred by reason of the Removal of the said Library as aforesaid, and to the Objects of their Trust, and not otherwise.

Governors, &c. of Marsh's Library to retain their exclusive Control over the Library.

VI. The Governors and Guardians of Archbishop *Marsh's* Library shall continue to have the same exclusive Control over the said Library which they at present possess, and shall have the entire and exclusive Possession, Occupation, and Control for the Purposes of their Trust of those Portions of the said Building so to be erected as herein-before mentioned which shall be upon the Completion of the said Building set apart by the said Building Trustees for the Accommodation of the said last-mentioned Library.

Governors and Guardians of the National Gallery for Ireland incorporated.

VII. The President and Senior Vice-President of the Royal *Dublin* Society for the Time being, the President of the Royal *Hibernian* Academy for the Time being, the President of the Royal *Irish* Academy for the Time being, the Chairman of the Board of Public Works in *Ireland* for the Time being, *George Petrie* Esquire, *George Francis Mulvany* Esquire, *William Brabazon* Earl of *Meath*, *Thomas Aiskew Larcom* Esquire, *William Dargan* Esquire, *Francis William* Earl of *Charlemont*, the Right Honourable *Maziere Brady*, Lord Chancellor of *Ireland*, the Lord *Talbot de Malahide*, Sir *George Frederick John Hodson* Baronet, *Robert Calwell* Esquire, *John Calvert Stronge* Esquire, and *John Edward Pigot* Esquire, and their Successors, appointed as herein-after directed, and subject to the Provisions herein-after contained, shall be and they are hereby constituted a Body Corporate by the Name of "The Governors and Guardians of the National Gallery of *Ireland*," and shall have a Common Seal, and by the said Name shall have perpetual Succession, and shall and may take, purchase, and hold Lands and Real Estate and other Property in trust for the Purposes of a National Gallery of Paintings, Sculpture, and the Fine Arts, subject to the Provisions of this Act; and all the Powers of the said Corporation may be exercised so long and so often as there shall exist Five Members thereof.

Governors, &c. empowered to receive Donations and Subscriptions, &c.

VIII. It shall be lawful for the said last-mentioned Body Corporate to receive Devises, Bequests, Donations, and Subscriptions (annual or otherwise) of Land, Buildings, Money, and Works of Art, and to hold the same, and to lay out such Sums of Money as they shall so receive for the Purposes of the National Gallery of *Ireland*, in

in the Improvement and Enlargement of the Collection of Works of Art presented to or purchased for the said Gallery, or deposited therein, and the said Body Corporate shall have the entire and exclusive Possession, Occupation, and Control for the Purposes of their Trusts herein mentioned of those Portions of the said Building so to be erected as herein-before mentioned which shall be upon the Completion of the said Building set apart by the said Building Trustees for the Accommodation of the National Gallery of *Ireland*, and of all such other Buildings, Enclosures, and Appurtenances as shall or may from Time to Time be required and obtained for the Purposes of the said National Gallery or any Part thereof.

Building to be erected according to Plans approved, &c.

IX. The said Building so to be erected as aforesaid for the Purposes herein-before mentioned shall be constructed according to such Plans and Specifications as shall have been approved of and agreed upon by and between the said Building Trustees, the said Governors and Guardians of the National Gallery of *Ireland*, and the said Governors and Guardians of Archbishop *Marsh*'s Library.

After the Completion of the Building, the Governors, &c. of the National Gallery, and the Governors, &c. of Marsh's Library, to be a Body Corporate, as Trustees of the Building, for ever.

X. The Persons who for the Time being shall compose the said respective Bodies Corporate, that is to say, the Governors and Guardians of the National Gallery of *Ireland*, and the Governors and Guardians of Archbishop *Marsh*'s Library, shall be One Body Corporate, under the Name of "The Joint Trustees of the National Gallery of *Ireland* and of *Marsh*'s Library," and so soon as the said Building so to be erected as aforesaid shall have been completed the said Building Trustees shall declare it to be so by an Instrument under the Hands of them or of any Three of them, and thereupon the said Building, together with the Ground whereon the same shall have been erected, shall become and be vested in the said last-mentioned Body Corporate for ever, subject nevertheless to the exclusive Possession, Occupation, and Control of those Portions of the said Building respectively to be occupied by the said Governors and Guardians of the National Gallery of *Ireland*, and the said Governors and Guardians of Archbishop *Marsh*'s Library, for the Purposes of their respective Trusts as aforesaid.

Term of Office of the Governors, &c. of the National Gallery limited to Five Years.

XI. Each of the Governors and Guardians of the National Gallery of *Ireland*, save and except only the first Three of them herein-before named, shall continue to hold Office, subject to the Provisions herein contained, for the Term of Five Years at a Time, from the Time of his becoming such Governor and Guardian, and not longer, but at the Expiration of such Five Years he shall be eligible to be re-appointed or re-elected as such Governor and Guardian.

Mode of filling Vacancies in the Number of the Governors of the National Gallery.

XII. The President and Senior Vice-President of the Royal *Dublin* Society, the President of the Royal *Hibernian* Academy, the President of the Royal *Irish* Academy, and the Chairman of the Board of Public Works in *Ireland*, that is to say, the Persons for the Time being holding those Offices respectively, shall be *ex-officio* Members of the said Body Corporate, and Governors and Guardians of the National Gallery of *Ireland*, but shall cease to be such Governors and Guardians respectively upon ceasing to hold the aforesaid Offices respectively: Provided always, that whensoever and so often as the said *George Petrie* Esquire and *George Francis Mulvany* Esquire, or either of them, or their or either of their Successors nominated or appointed as next herein-after mentioned, shall cease to be such Governor and Guardian or Governors and Guardians as aforesaid, then and in every such Case it shall be lawful for the Royal *Hibernian* Academy to nominate and appoint such Artist or Artists resident in *Ireland* as they shall think proper to be a Governor and Guardian or Governors and Guardians in the Room of the Person or Persons so ceasing to be such Governor and Guardian or Governors and Guardians as aforesaid, and every such resident Artist so nominated or appointed by the Royal *Hibernian* Academy shall thereupon forthwith become and be one of the Governors and Guardians of the National Gallery of *Ireland*, to all Intents and Purposes as fully as if he had been so named herein in the Place of the said *George Petrie* Esquire or *George Francis Mulvany* Esquire: And be it enacted, that whensoever and so often as the said *William Brabazon* Earl of *Meath*, *Thomas Aiskew Larcom* Esquire, and *William Dargan* Esquire, or any or either of them, or their or any or either of their Successors appointed as next herein-after mentioned, shall cease to be such Governor and Guardian or Governors and Guardians as aforesaid, then and in every such Case it shall be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint a Person or Persons to fill such Vacancy or Vacancies, and every such Person or Persons so appointed to fill such Vacancy or Vacancies shall thereupon forthwith become and be one of the Governors and Guardians of the National Gallery of *Ireland*, to all Intents and Purposes as fully as if he had been so named herein in the Place of the said *William Brabazon* Earl of *Meath*, or *Thomas Aiskew Larcom* Esquire, or *William Dargan* Esquire: Provided also, that whensoever and so often as any One or more of the remaining Seven Governors and Guardians herein-before named, or their or any or either of their Successors nominated, elected, or appointed as next herein-after mentioned, shall cease to be such Governor and Guardian or Governors and Guardians as aforesaid, then and in every such Case, so long and so often as there shall be at least One hundred Persons each of

of whom at the Time of the Occurrence of such Vacancy or Vacancies shall have made a Donation to the Governors and Guardians of the National Gallery of *Ireland*, for the Purposes of their Trust, of not less than Two Guineas in Money, or of a Work or Works of Art to the Value in the whole of Twenty Pounds (such Value to be declared by the said Governors and Guardians by an Entry or Entries in their Books), or shall then be an annual Subscriber of One Guinea or upwards to the Funds of the said last-mentioned Body Corporate, and shall have paid his current Subscription to the said Body Corporate within Twelve Calendar Months then last past, it shall be lawful for such Donors and Subscribers to elect and nominate Persons or a Person to fill such Vacancies or Vacancy; and when and so often as on the Occasion of the happening of such Vacancy or Vacancies there be less than One hundred such Donors and Subscribers, then and in every such Case it shall be lawful for the Lord Lieutenant by Warrant under his Hand to appoint a Person or Persons to fill such Vacancy or Vacancies, and every such Person so nominated, elected, or appointed to fill such Vacancy or Vacancies shall thereupon forthwith become and be One of the Governors and Guardians of the National Gallery of *Ireland*, to all Intents and Purposes as fully as if he had been so named therein in the Place of the said *Francis William* Earl of *Charlemont*, the Right Honourable *Maziere Brady*, Lord Chancellor of *Ireland*, the Lord *Talbot de Malahide*. Sir *George Frederick John Hodson* Baronet, *Robert Calwell* Esquire, *John Calvert Stronge* Esquire, or *John Edward Pigot* Esquire.

Power to Governors, &c. to make Byelaws and to appoint Officers.

XIII. It shall be lawful for the Governors and Guardians of the National Gallery of *Ireland*, from Time to Time, to make, alter, vary, and repeal Byelaws for the Management of the said Gallery, for securing the Attendance of Members of the Body Corporate, and for all other Purposes necessary for the Execution of their Trusts; and all Officers and Servants, salaried or otherwise, employed in the Care or Management of the Trust Property, shall be appointed by the said Governors and Guardians, subject to such Regulations and Conditions as they shall think proper.

Power to Governors, &c. of Marsh's Library to admit any other Collection of Books into the same Building.

XIV. It shall be lawful for the Governors and Guardians of Archbishop *Marsh's* Library to admit into that Portion of the Building to be erected as aforesaid which shall be appropriated to the Reception of a Public Library any Books which any public Body or private Individual or Individuals may desire either to present or give to the said last-mentioned Governors and Guardians, or may desire to deposit there for the Use of the Public, upon such Terms nevertheless as to the Arrangement of such Books, the Mode of Access thereto, the Accommodation of Readers, and the Management and Control of said Books,

Books, as may be agreed upon between the said last-mentioned Governors and Guardians and such public Body or private Individual or Individuals so giving or depositing such Books as aforesaid; and all such Books as shall be so given, presented, or deposited shall, until Parliament shall otherwise provide, be and remain under the Care and Management and in the Possession of the said last-mentioned Governors and Guardians and such other Person or Persons as shall be agreed on between them and the Body or Bodies, Individual or Individuals, giving, presenting, or depositing such Books, or in such other Care, Management, and Possession as shall be agreed on between the said last-mentioned Guardians and such Body or Bodies, Individual or Individuals, so giving, presenting, or depositing as aforesaid.

Interpretation of Terms.

XV. In the Construction of this Act the Word "Lands" shall include Messuages, Tenements, and Hereditaments of every Tenure, whether corporeal or incorporeal; the Expression "perpetual Interest" shall comprehend, in addition to any greater Interest, any Lease or Grant for One or more than One Life, with or without a Term of Years, or for Years, whether absolute or determinable on the dropping of One or more than One Life, with a Covenant or Agreement by a Party competent thereto, in any of such Cases, whether contained in the Instrument by which such Lease or Contract is made or in any separate Instrument, for the perpetual Renewal of such Lease or Grant; the Word "entitled" shall mean entitled either legally or equitably; the Word "Settlement" shall include every Assurance or connected Set or Series of Assurances, whether by Deed, Will, Private Act of Parliament, or otherwise, by which Lands are or shall be limited in a Course of Settlement, or agreed so to be; the Word "Building" shall include the Land upon which such Building shall be built, together with all Enclosures, Yards, Curtilages, and Appurtenances held therewith or appertaining thereto; the Word "Lord Lieutenant" shall be held to mean the Lord Lieutenant of *Ireland* or other Chief Governor or Governors of *Ireland* for the Time being.

Land in possession of Royal Dublin Society for the Promotion of Husbandry may be appropriated for a Building for the Purposes of a Museum.

XVI. Whereas it may be found expedient that certain Part or Parts of Lands and Premises now in the Possession or Occupation of the Royal *Dublin* Society for the Promotion of Husbandry and other useful Arts, in *Ireland*, should be appropriated for a Building or Buildings for the Purposes of a Museum, and that other Part or Parts of the said Lands and Premises should be appropriated for a Building or Buildings for the Purposes of the said Library and National Gallery: Be it enacted, That, upon the Surrender by the said Society (which Surrender the said Society is hereby empowered to make) of such Estate, Right, Title, or Interest as they may at present have in any such

such Lands or Premises, it shall be lawful for all and every Persons and Person seised of or entitled in possession to the said Lands and Premises so now in the Possession or Occupation of the said Society as aforesaid, or to the Receipt of the Rents and Profits thereof, for an Estate of Fee-simple or Fee-farm, or any other perpetual Estate, subject to any Mortgage or Incumbrance, or for an Estate in Tail or *quasi* Entail, in an Estate of Inheritance or perpetual Interest, or for the Term of his, her, or their own Life or Lives (not being Jointresses or Jointress), or for the Life or Lives of any other Person or Persons, or for so many Years as he, she, or they may live, or for an unexpired Term of Years, not being less than Sixty Years in its Inception, and whether absolute or determinable on a Life created out of an Estate of Inheritance or perpetual Interest by way of Settlement, and not in consideration of or subject to any Rent reserved thereby (and whether or not such Estate or Interest shall be subject to any Mortgage or other Incumbrance), by virtue of this Act, to make a Lease or Leases of all or any Part or Parts of the same Lands and Premises to the said Society for any Term not exceeding Nine hundred and ninety-nine Years, or in Fee-farm at the best improved yearly Rent that may reasonably be obtained for the same from a solvent Tenant, without any Fine or Consideration; provided that such Rents, and all Clauses and Conditions to be inserted in such Leases, shall secure to the Person or Persons who for the Time being would, if such Leases had not been made, be entitled to the actual Possession of the Lands and Premises therein to be comprised, or to the Receipt of the Rents and Profits thereof, according to their respective Estates and Interests therein, and that such respective Leases as last aforesaid shall be valid and effectual to bind the Lessor and Lessors, his Heir, or their Heirs, Executors, Administrators, Assigns, and Successors in Estate, and all Persons whomsoever deriving under the same Title or Settlement as that under which the Lessor or Lessors derives or derive, and notwithstanding any Settlement, Act of Parliament, Entail, Law, or Custom to the contrary, and whether there be or be not any leasing Power annexed or belonging to the Estate of such Lessor or Lessors, but so as not to prejudice or interfere with any other Power of leasing to him, her, or them belonging.

Board of Trade and Navigation to divide Lands between the said Building Trustees and the Royal Dublin Society.

XVII. When and so soon as the said Royal *Dublin* Society shall have obtained such Lease or Leases, it shall be lawful for such Society to divide the Lands and Premises which shall be comprised therein in such Proportions, and under such Conditions and Restrictions, as to the Board of Trade and Navigation shall seem meet, between the said Building Trustees and the said Royal *Dublin* Society, and to apportion the Rents to be payable respectively on the said

 respective

respective divided Portions in such Manner as may be, in the Opinion of such Board, conformable to Justice, and to make and execute such Leases, Conveyances, and other Assurances for the Purposes last aforesaid, as such Board shall think fit.

Act to extend only to Ireland.

XVIII. This Act shall only extend to *Ireland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. C.

An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery. [10th *August* 1854.]

WHEREAS the Enlargement in manner herein-after mentioned of the Powers of the Masters in Ordinary of the High Court of Chancery during their Continuance in Office, and the Appointment of additional temporary Clerks in their Offices, would enable them to wind up the more expeditiously the Causes, Matters, and Things from Time to Time depending before them: And whereas better Provision is required for the examining and settling of the Accounts of Receivers and others in the said Court: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Master may inquire respecting Abatement, &c.

I. Upon a Suit in which any Proceeding may from Time to Time be depending before a Master in Ordinary of the High Court of Chancery becoming abated by Death, Marriage, or otherwise, or becoming defective by reason of some Change or Transmission of Interest or Liability, it shall be lawful for the Master, notwithstanding that the Suit has become abated or defective, to summon as he shall

deem

deem fit all or any of the Parties to the Suit or Proceeding, or their or any of their Solicitors, and to require and obtain from them or any of them such Information as may to him seem necessary or proper respecting the Abatement of the Suit, or respecting the same having become defective and the Change or Transmission of Interest or Liability, and respecting the Person or Persons by and against whom the Suit and Proceedings ought to be revived, or the Decree or Order carried on and prosecuted; for which Purposes the Master shall be at liberty to proceed in the Absence of any of the Parties or Solicitors neglecting or refusing to attend his Summons.

Master may certify as to the Abatement, &c.

II. In case the Master shall, by the Means aforesaid or otherwise, obtain sufficient Information for his Guidance in this Behalf, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective and the Change or Transmission of Interest or Liability.

Order of Revivor, &c. shall be drawn up on Master's Certificate.

III. The Master's Certificate shall be filed by such Person as the Master may direct, and then such Order to the Effect of the usual Order to revive or of the usual supplemental Decree as is mentioned in the Section numbered LII. of the Act "to amend the Practice and Course of Proceeding in the High Court of Chancery," passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, shall be drawn up by the Registrar upon the Master's Certificate, which shall be deemed equivalent to such Allegation as is in the said Section mentioned; and the Course of Proceeding upon and the Effect of an Order obtained under these present Provisions shall be the same in all respects as if the Order had been obtained upon such Allegation as aforesaid.

Upon Master's Certificate of Abatement, &c. Court may order Prosecution or Disposal of Suit.

IV. In case the Master shall not be able to obtain sufficient Information for his Guidance in certifying as aforesaid, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective and the Change or Transmission of Interest or Liability, and that by reason thereof he is unable to dispose of the Proceeding depending before him in the Suit; upon which Certificate the Court shall make such Order as it shall think proper on all or any of the Parties for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

Proceedings may be carried on by Solicitor to Suitors Fund.

V. In the event of the Parties or their Solicitors refusing or neglecting, within a Time to be fixed by the Master, to file or to bring before the Court any such Certificate as aforesaid, or to serve any Order

Order when drawn up as aforesaid, then by Direction of the Master the Certificate may be filed or brought before the Court, or the Order may be served, by the Solicitor for the Time being to the Suitors Fund; and the Court is hereby empowered to order Payment of the Costs and Expenses of the Solicitor to the Suitors Fund out of such of the Funds in the Suit, or by such Parties as to the Court shall seem just: and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same, by the Direction of the Court, may be paid out of the Suitors Fund.

Master may obtain Assistance of Accountant

VI. In any Cause, Matter, or Thing which may from Time to Time be depending before or have been referred to a Master, it shall be lawful for him, in such Way as he may think fit, to obtain the Assistance of an Accountant, the better to enable him to make any Report or Certificate, and to act upon the Certificate of such Accountant; and the Allowances in respect of Fees to the Accountant shall be regulated by the Taxing Master of the Court.

Master may certify specially to obtain Opinion of Court.

VII. In any Cause, Matter, or Thing which may from Time to Time be depending before or have been referred to a Master he shall be at liberty to certify specially any Decision at which he may arrive, or any other Matter relating thereto, in order to obtain a Decision or Direction by or from the Court for his Guidance in the further Proceedings, or to enable any Party to obtain the Opinion of the Court with reference thereto.

Additional temporary Clerks in Master's Offices

VIII. It shall be lawful for the Lord Chancellor to appoint a fit Person to act in the Office of any Master as an additional temporary Clerk, and in assistance to the Master's ordinary Clerks, in such Manner as the Master may direct; and every such temporary Clerk may be removed by the Lord Chancellor as he may think fit, and shall receive, so long as he shall be so employed, such Salary as the Lord Chancellor shall with the Approbation of the Commissioners of Her Majesty's Treasury order, but shall not be entitled to or receive any Compensation upon or by reason of the Master being released from his Duties, or removed by Resignation, Death, or otherwise.

Salaries how to be paid.

IX. The Salaries given under this Act shall grow due from Day to Day, but shall be payable, under an Order of the Lord Chancellor, on the Third Day of each of the Months of *February*, *May*, *August*, and *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time direct, and shall be paid to the Persons entitled thereto respectively, or their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery to the Account intituled "The Suitors

Suitors Fee Fund Account," subject to the Payment of such Salaries and Sums of Money as are now payable thereout.

"The Lord Chancellor."

X. In this Act the Expression "the Lord Chancellor" shall be construed to mean the Lord High Chancellor of *Great Britain* for the Time being, and to include or be applicable to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

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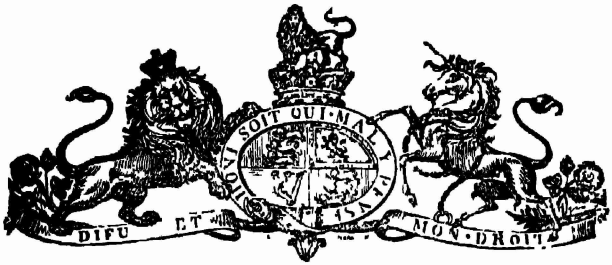

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CI.

An Act to continue and amend the Acts now in force relating to Friendly Societies.

[10th *August* 1854.]

WHEREAS the Act passed in the Thirteenth and Fourteenth Years of Her present Majesty, intituled *An Act to amend and consolidate the Law relating to Friendly Societies*, was continued in force for a Period therein limited by an Act passed in the Fifteenth and Sixteenth Years of Her said Majesty, Chapter Seventy-five: And whereas the said Acts will expire at the End of the present Session of Parliament, and it is expedient the same shall be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 13 & 14 Vict. c. 115

I. The said Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter One hundred and fifteen, shall be further continued to the First Day of *October* in the Year One thousand eight hundred and fifty-five, and to the End of the then next Session of Parliament. Act further continued

II. All Transcripts of the Rules of Friendly Societies now filed with the Rolls of the Sessions of the Peace in any County, Riding, or Division Transcripts of Rules to be deposited with Registrars.

Division of a County shall be taken off the File, and sent to the Registrars, who shall keep the same in such Manner as shall be from Time to Time directed by One of Her Majesty's Principal Secretaries of State.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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lend, or shall offer, promise, or promise to procure or to endeavour to procure, any Money, or valuable Consideration, to or for any Voter, or to or for any Person on behalf of any Voter, or to or for any other Person in order to induce any Voter to vote, or refrain from voting, or shall corruptly do any such Act as aforesaid, on account of such Voter having voted or refrained from voting at any Election:

2. Every Person who shall, directly or indirectly, by himself or by any other Person on his Behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any Office, Place, or Employment to or for any Voter, or to or for any Person on behalf of any Voter, or to or for any other Person, in order to induce such Voter to vote, or refrain from voting, or shall corruptly do any such Act as aforesaid, on account of any Voter having voted or refrained from voting at any Election:

3. Every Person who shall, directly or indirectly, by himself, or by any other Person on his Behalf, make any such Gift, Loan. Offer, Promise, Procurement, or Agreement as aforesaid, to or for any Person, in order to induce such Person to procure, or endeavour to procure, the Return of any Person to serve in Parliament, or the Vote of any Voter at any Election:

4. Every Person who shall, upon or in consequence of any such Gift, Loan, Offer, Promise, Procurement, or Agreement, procure or engage, promise, or endeavour to procure the Return of any Person to serve in Parliament, or the Vote of any Voter at any Election:

5. Every Person who shall advance or pay, or cause to be paid, any Money to or to the Use of any other Person with the Intent that such Money or any Part thereof shall be expended in Bribery at any Election, or who shall knowingly pay or cause to be paid any Money to any Person in Discharge or Repayment of any Money wholly or in part expended in Bribery at any Election:

And any Person so offending shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable by Fine and Imprisonment, and shall also be liable to forfeit the Sum of One hundred Pounds to any Person who shall sue for the same, together with full Costs of Suit: Provided always, that the aforesaid Enactment shall not extend or be construed to extend to any Money paid or agreed to be paid for or on account of any legal Expenses *bonâ fide* incurred at or concerning any Election.

Bribery further defined.

III. The following Persons shall also be deemed guilty of Bribery, and shall be punishable accordingly:

1. Every

Bribery, &c.

1. Every Voter who shall, before or during any Election, directly or indirectly, by himself or by any other Person on his Behalf, receive, agree, or contract for any Money, Gift, Loan, or valuable Consideration, Office, Place, or Employment, for himself or for any other Person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any Election:
2. Every Person who shall, after any Election, directly or indirectly, by himself or by any other Person on his Behalf, receive any Money or valuable Consideration on account of any Person having voted or refrained from voting, or having induced any other Person to vote or to refrain from voting, at any Election:

And any Person so offending shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable by Fine and Imprisonment, and shall also be liable to forfeit the Sum of Ten Pounds to any Person who shall sue for the same, together with full Costs of Suit. **Penalty.**

IV. Every Candidate at an Election, who shall corruptly by himself, or by or with any Person, or by any other Ways or Means on his Behalf, at any Time, either before, during, or after any Election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any Expenses incurred for any Meat, Drink, Entertainment, or Provision to or for any Person, in order to be elected, or for being elected, or for the Purpose of corruptly influencing such Person or any other Person to give or refrain from giving his Vote at such Election, or on account of such Person having voted or refrained from voting, or being about to vote or refrain from voting, at such Election, shall be deemed guilty of the Offence of Treating, and shall forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, with full Costs of Suit; and every Voter who shall corruptly accept or take any such Meat, Drink, Entertainment, or Provision, shall be incapable of voting at such Election, and his Vote, if given, shall be utterly void and of none effect. **Treating defined.** **Penalty.**

V. Every Person who shall, directly or indirectly, by himself, or by any other Person on his Behalf, make use of, or threaten to make use of, any Force, Violence, or Restraint, or inflict or threaten the Infliction, by himself or by or through any other Person, of any Injury, Damage, Harm, or Loss, or in any other Manner practise Intimidation upon or against any Person in order to induce or compel such Person to vote or refrain from voting, or on account of such Person having voted or refrained from voting, at any Election, or who shall, by Abduction, Duress, or any fraudulent Device or Contrivance, impede, prevent, or otherwise interfere with the free **Undue Influence defined.**

Exercise

Exercise of the Franchise of any Voter, or shall thereby compel, induce, or prevail upon any Voter, either to give or to refrain from giving his Vote at any Election, shall be deemed to have committed the Offence of undue Influence, and shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable by Fine or Imprisonment, and shall also be liable to forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, together with full Costs of Suit.

Penalty.

Names of Offenders to be struck out of Register, and inserted in separate List.

VI. Whenever it shall be proved before the Revising Barrister that any Person who is or claims to be placed on the List or Register of Voters for any County, City, or Borough has been convicted of Bribery or undue Influence at an Election, or that Judgment has been obtained against any such Person for any penal Sum hereby made recoverable in respect of the Offences of Bribery, Treating, or undue Influence, or either of them, then and in that Case such Revising Barrister shall, in case the Name of such Person is in the List of Voters, expunge the same therefrom, or shall, in case such Person is claiming to have his Name inserted therein, disallow such Claim; and the Names of all Persons whose Names shall be so expunged from the List of Voters, and whose Claims shall be so disallowed, shall be thereupon inserted in a separate List, to be entitled "The "List of Persons disqualified for Bribery, Treating, or undue "Influence," which last-mentioned List shall be appended to the List or Register of Voters, and shall be printed and published therewith, wherever the same shall be or is required to be printed or published.

No Cockades, &c. to be given at Elections.

VII. No Candidate before, during, or after any Election shall in regard to such Election, by himself or Agent, directly or indirectly, give or provide to or for any Person having a Vote at such Election, or to or for any Inhabitant of the County, City, Borough, or Place for which such Election is had, any Cockade, Ribbon, or other Mark of Distinction; and every Person so giving or providing shall for every such Offence forfeit the Sum of Two Pounds to such Person as shall sue for the same, together with full Costs of Suit; and all Payments made for or on account of any Chairing, or any such Cockade, Ribbon, or Mark of Distinction as aforesaid, or of any Bands of Music or Flags or Banners, shall be deemed illegal Payments within this Act.

Penalty.

Voters not to serve as Special Constables during Elections.

VIII. No Person having a Right to vote at the Election for any County, City, Borough, or other Place shall be liable or compelled to serve as a Special Constable at or during any Election for a Member or Members to serve in Parliament for such County, City, Borough, or other Place, unless he shall consent so to act; and he shall not be liable

liable to any Fine, Penalty, or Punishment whatever for refusing so to act, any Statute, Law, or Usage to the contrary notwithstanding.

Penalties, how to be recovered.

IX. The pecuniary Penalties hereby imposed for the Offences of Bribery, Treating, or undue Influence respectively shall be recoverable by Action or Suit by any Person who shall sue for the same in any of Her Majesty's Superior Courts at *Westminster*, if the Offence be committed in *England* or *Wales*, and in any of Her Majesty's Superior Courts in *Dublin* if the Offence be committed in *Ireland*, and in or before the Court of Session if the Offence be committed in *Scotland*, and not otherwise.

Costs and Expenses of Prosecutions.

X. It shall be lawful for any Criminal Court, before which any Prosecution shall be instituted for any Offence against the Provisions of this Act, to order Payment to the Prosecutor of such Costs and Expenses as to the said Court shall appear to have been reasonably incurred in and about the Conduct of such Prosecution: Provided always, that no Indictment for Bribery or undue Influence shall be triable before any Court of Quarter Sessions.

Returning Officer to give Notice of Election.

XI. For the more effectual Observance of this Act, every Returning Officer to whom the Execution of any Writ or Precept for electing any Member or Members to serve in Parliament may appertain or belong shall, in lieu of the Proclamation or Notice of Election heretofore used, publish or cause to be published such Proclamation or Notice of Election as is mentioned in Schedule B. to this Act, or to the like Effect.

In Cases of private Prosecutions, if Judgment be given for the Defendant, he shall recover Costs from the Prosecutor.

XII. In case of any Indictment or Information by a private Prosecutor for any Offence against the Provisions of this Act, if Judgment shall be given for the Defendant, he shall be entitled to recover from the Prosecutor the Costs sustained by the Defendant by reason of such Indictment or Information, such Costs to be taxed by the proper Officer of the Court in which such Judgment shall be given.

Prosecutor not to be entitled to Costs unless he shall have entered into a Recognizance to conduct Prosecution and pay Costs.

XIII. It shall not be lawful for any Court to order Payment of the Costs of a Prosecution for any Offence against the Provisions of this Act, unless the Prosecutor shall, before or upon the finding of the Indictment or the granting of the Information, enter into a Recognizance, with Two sufficient Sureties, in the Sum of Two hundred Pounds (to be acknowledged in like Manner as is now required in Cases of Writs of Certiorari awarded at the Instance of a Defendant in an Indictment), with the Conditions following; that is to say, that the Prosecutor shall conduct the Prosecution with Effect, and shall pay to

the Defendant or Defendants, in case he or they shall be acquitted, his or their Costs.

Limitation of Actions.

XIV. No Person shall be liable to any Penalty or Forfeiture hereby enacted or imposed, unless some Prosecution, Action, or Suit for the Offence committed shall be commenced against such Person within the Space of One Year next after such Offence against this Act shall be committed, and unless such Person shall be summoned or otherwise served with Writ or Process within the same Space of Time, so as such Summons or Service of Writ or Process shall not be prevented by such Person absconding or withdrawing out of the Jurisdiction of the Court out of which such Writ or other Process shall have issued; and in case of any such Prosecution, Suit, or Process as aforesaid, the same shall be proceeded with and carried on without any wilful Delay.

Power to Returning Officers to appoint Election Auditors.

XV. Whereas it is expedient to make further Provision for preventing the Offences of Bribery, Treating, and undue Influence, and also for diminishing the Expenses of Elections: Be it enacted, That within Six Days after the passing of this Act the Returning Officers of the City of *Canterbury*, the Boroughs of *Cambridge*, *Kingston-upon-Hull*, *Maldon*, and *Barnstaple*, and once in every Year, in the Month of *August*, the Returning Officer of every County, City, and Borough shall appoint a fit and proper Person to be an Election Officer, to be called "Election Auditor or Auditor of Election Expenses," to act at any Election or Elections for and during the Year then next ensuing, and until another Appointment of Election Auditor shall be made; and such Returning Officer shall, in such Way as he shall think best, give public Notice of such Appointment in such County, City, or Borough; provided, that any Person appointed an Election Auditor may be re-appointed as often as the Returning Officer for the Time being shall think fit; and that every Person who shall be an Election Auditor on the Day appointed for any Election shall continue to be the Election Auditor in respect of such Election until the whole Business of such Election shall be concluded, notwithstanding the subsequent Appointment of any other Person as Election Auditor; and every Election Auditor upon his Appointment shall make and sign before the Returning Officer the following Declaration:

'I [*A. B.*] do solemnly and sincerely promise and declare, That I will well and truly and faithfully, to the best of my Ability in all Things, perform my Duty as Election Auditor, according to the Provisions of "The Corrupt Practices Prevention Act, 1854."'

And every Election Auditor wilfully doing any Act whatever contrary to the true Intent and Meaning of such Declaration shall be deemed guilty

guilty of a Misdemeanor, and in *Scotland* of an Offence punishable with Fine and Imprisonment.

Bills, &c. to be sent in within One Month to Candidate or Right to recover barred.

XVI. All Persons, as well Agents as others, who shall have any Bills, Charges, or Claims upon any Candidate for or in respect of any Election shall send in such Bills, Charges, or Claims within One Month from the Day of the Declaration of the Election to such Candidate, or to some authorized Agent of such Candidate acting on his Behalf, otherwise such Persons shall be barred of their Right to recover such Claims, and every or any Part thereof: Provided always, that in case of the Death within the said Month of any Person claiming the Amount of such Bill, Charge, or Claim, the legal Representative of such Person shall send in such Bill, Charge, or Claim within One Month after obtaining Probate or Letters of Administration, or Confirmation as Executor, as the Case may be, or the Right to recover such Claim shall be barred as aforesaid.

Bills, &c. received within One Month to be sent in to Election Auditor.

XVII. Every Candidate shall, by himself or his Agent in that Behalf, within Three Months after the Day of the Declaration of the Election, or within Two Months after any Bill, Charge, or Claim has been sent in by the legal Representative of any deceased Creditor, as herein-before provided, send in to the Election Auditor for Payment all such Bills, Charges, or Claims (except as herein-after excepted) as have been sent in to such Candidate within the One Month herein-before specified from the Day of the Declaration of the Election, or after the granting of Probate or Letters of Administration, or Confirmation as Executor, as the Case may be: Provided always, that the Candidate shall, by himself or his Agent as aforesaid, at the Time of his sending in any such Bill, Charge, or Claim, state to the Election Auditor whether he admits the whole Amount of such Bill, Charge, or Claim, or if not the whole then how much thereof, if any, he admits to be correct: Provided also, that in case of the wilful Default of the Candidate, by himself or his Agent as aforesaid, in sending in all such Bills, Charges, or Claims, or in making such Statement at the Time of sending in such Bills, Charges, or Claims, he shall be liable to a Penalty of Twenty Pounds, and to a further Penalty of Ten Pounds for every subsequent Week of wilful Default or Neglect in sending in all such Bills, Charges, or Claims, or in making such Statement, to be recovered by any Person who will sue for the same, together with full Costs of Suit: Provided always, that in case any such Candidate shall be absent from the United Kingdom at the Time of such Election, he shall send in to the Election Auditor for Payment any such Bills, Charges, or Claims as aforesaid within One Month after his Return to the United Kingdom, which shall be of the

the same Force and Effect as if the same had been sent in as herein provided.

No Payments to be made except through Election Auditor.

XVIII. No Payment of any Bill, Charge, or Claim, or of any Money whatever, for or in respect of any Election, or the Expenses thereof, (except as herein excepted,) shall be made by or by the Authority of any Candidate, except by or through such Election Auditor, and any Payment made by or by the Authority of any Candidate otherwise than as herein provided shall be deemed and taken to be an illegal Payment, and upon Proof thereof such Candidate shall forfeit the Sum of Ten Pounds, with double the Amount of such illegal Payment, and full Costs of Suit, to any Person who will sue for the same: Provided always, that it shall be lawful for any Candidate, by himself or his Agent, to name any Banker through whom alone such Bills, Charges, or Claims, or Money, as aforesaid, shall be paid by the Election Auditor, and in that Case the Election Auditor shall pay such Bills, Charges, and Claims by Cheques drawn on such Banker, to be countersigned by the Candidate, or some Person on his Behalf specially appointed for that Purpose.

Tender and Payment into Court by Election Auditor.

XIX. If the Election Auditor, by the Authority of any Candidate, tenders or offers to pay any Sum in respect of any Bill, Charge, or Claim sent in as herein-before provided, such Tender shall be taken for all Purposes to be the Tender of such Candidate, and may, in any Action or other Proceeding brought against such Candidate to recover the Amount of such Bill, Charge, or Claim, be pleaded as such, or otherwise be made available according to the Proceedings of the Court in which such Action or other Proceeding is brought or carried on; and if such Plea is pleaded, or if it shall be deemed advisable for any other Reason to pay Money into Court in any Action or other Proceeding brought against a Candidate in respect of any Liability alleged to have been incurred by him at such Election, the Election Auditor may, at the Request of the Candidate, and by Leave of any One of the Judges of the Superior Courts of Common Law at *Westminster*, or of any One of the Judges of Her Majesty's Superior Courts at *Dublin*, or of any One of the Judges of the Court of Session in *Scotland*, as the Case may be, pay into Court the Sum required; and such Payment into Court by the Election Auditor shall, for the Purposes of such Action, be deemed and taken to be and may be pleaded as Payment into Court by the Candidate himself: Provided always, that on any Issue or Hearing in reference to any such Tender or Payment of Money into Court, it shall not be necessary to prove the Appointment of the Election Auditor.

XX. Nothing

XX. Nothing in this Act contained (except as herein specially provided) shall be taken to limit the Right of any Creditor to bring any Action or otherwise to proceed against a Candidate for or in respect of any Expenses connected with the Election; and if in any such Action or Proceeding final Judgment be obtained against the Candidate, such Candidate shall forthwith send to the Election Auditor a Copy or Certificate of such Judgment; and when and as the Monies recovered by the said Judgments, or any Part thereof, shall be paid or satisfied by such Candidate, or shall be obtained under or by virtue of any Execution, the said Candidate shall thereupon forward to the Election Auditor a Statement of the Monies so paid or obtained in respect of such Judgment.

Copy of Judgment and Statement of Payments made in satisfaction to be sent to Auditor.

XXI. No Candidate shall be allowed to compound or settle any Action or other Proceeding brought against him in respect of any Expenses alleged to have been incurred by him in or about the Election, or to confess Judgment in such Action or Proceeding, without the Consent of the Election Auditor.

Consent of Auditor necessary before settling Action.

XXII. The personal Expenses of any Candidate, and the Expenses of advertising in Newspapers with reference to any Election, shall be defrayed by the Candidate himself, or by his Authority, but a full and true Account of the Sums so paid in respect of the said Advertisements shall, as soon as conveniently may be, be made out to the best of his Ability, and rendered to such Election Auditor by such Candidate, and the Amount of such Account shall be included in the general Account of the Expenses incurred at any Election to be made out and kept by such Election Auditor as herein-after provided.

Candidate to pay personal Expenses and Expenses of advertising.

XXIII. And whereas Doubts have also arisen as to whether the giving of Refreshment to Voters on the Day of Nomination or Day of polling be or be not according to Law, and it is expedient that such Doubts should be removed: Be it declared and enacted, That the giving or causing to be given to any Voter on the Day of Nomination or Day of polling, on account of such Voter having polled or being about to poll, any Meat, Drink, or Entertainment by way of Refreshment, or any Money or Ticket to enable such Voter to obtain Refreshment, shall be deemed an illegal Act, and the Person so offending shall forfeit the Sum of Forty Shillings for each Offence, to any Person who shall sue for the same, together with full Costs of Suit.

Refreshments to Voters on the Days of Nomination or polling declared illegal.

XXIV. No Person shall pay or agree to pay any Expenses of any Election, or any Sum of Money whatever, in order or with a

No Person to pay Expenses of Elections,

 view

except to Candidate or Election Auditor.

view to procure or promote the Election of any Person to serve in Parliament, save to the Candidate at such Election, or to or under the Authority of the Election Auditor, other than as excepted and allowed by this Act; and every Person who shall pay or agree to pay any such Expenses or Money as aforesaid, save as aforesaid, shall become liable to a Penalty of Fifty Pounds, and of double the Money so paid or agreed to be paid, to be recovered in an Action of Debt by any one who shall sue for the same: Provided, that if upon the Trial of any Action to recover any such Penalty or Penalties it shall appear to the Judge who shall try the same that any such Payment shall have been made or agreed to be made without any corrupt or improper Intention, such Judge may, if he shall think fit, reduce such Penalty or Penalties to any Sum not less than Forty Shillings, and may also, if he shall think fit, direct that the Plaintiff shall not be entitled to Costs of such Action: Provided also, that no Expenses of or relating to the Registration of Electors, and no Subscriptions or Contributions *bonâ fide* made to or for any public or charitable Purpose, shall be deemed Election Expenses within the Meaning of this Act: Provided also, that in any Action to recover any Penalty under this Act it shall be lawful to the Court in which such Action shall be brought, or any Judge thereof, if they or he shall think fit, to order that the Plaintiff in such Action shall give Security for Costs, or that all Proceedings therein shall be stayed.

Candidates and Agents may make Payments before Day of Election.

XXV. Any Candidate, and his Agents by him appointed in Writing, according to the Provisions of this Act, may, at any Time before the Day of Nomination, pay any lawful and reasonable Expenses in respect of the Election which he or they shall *bonâ fide* believe fit and proper to be paid, in ready Money, and the Payment of which cannot conveniently be postponed; provided, that the Candidate and his Agents shall, upon or before the Day of Nomination make out to the best of his Ability, and deliver to the Election Auditor, a full, true, and particular Account of all such Payments, with the Names of the Persons to whom they have been made, signed by such Candidate or his Agents respectively, and no Payment so made shall be a legal Payment within this Act unless such Account thereof shall be duly rendered to the Election Auditor.

Account of Election Expenses to be made out by Election Auditor.

XXVI. The Election Auditor shall, as soon as he conveniently can make out a full and true Account of all the Expenses incurred at the Election, specifying therein every Sum of Money paid to him or paid by him or by his Authority on behalf of each Candidate, and of all Sums claimed, although the same shall not have been allowed or paid, and every Sum which has been paid into Court as aforesaid or recovered by Judgment against such Candidate, and to whom, by

by Name, such Payment was made, and for what particular Debt or Liability; and the Election Auditor shall include in such general Account the Amount of the Sums paid by each Candidate for Advertisements, and he shall specify therein the total Amount of Expenses incurred by each Candidate; and the Account, when so made out, shall be duly signed by him: Provided always, that, if it shall be found necessary, the Election Auditor may from Time to Time make out a supplementary Account or Accounts, which shall be made and abstracted in the Manner herein provided with reference to the first general Account.

Election Auditor to keep Accounts in some convenient Place which shall be open to Inspection.

XXVII. The Election Auditor shall keep all Accounts which shall come to his Hands in some fit and convenient Place, and shall, at all reasonable and convenient Times, submit the same to the Inspection of the Candidates and their Agents, and permit them to take Copies of the same or of any Part thereof, upon Request, and when such general Account as aforesaid shall be so made out and signed by him, he shall keep the same in some fit and convenient Place; and such general Accounts shall be open to the Inspection of any Person, and Copies thereof or of any Part thereof shall be furnished to any Person at all reasonable and convenient Times, upon Request, such Person paying a Fee, at the Rate of One Shilling for every Two hundred Words, to a Copying Clerk, for the same; and when the Election Auditor shall have concluded the Business of any Election he shall deliver over all Accounts in his Hands to the Clerk of the Peace in Counties, and to the Town Clerk or other Officer performing any of the Duties of Town Clerk in Cities and Boroughs, and to the Sheriff Clerk in Counties in *Scotland*, who shall allow them to be inspected by any Person, on the Payment of One Shilling, and shall furnish Copies of the same or of any Part thereof on the Payment of a Fee, at the Rate of One Shilling for every Two hundred Words, to the Copying Clerk, provided always, that for any Copy so furnished the Fee shall in no Instance be less than One Shilling, and shall deliver over to the Candidates respectively the Balance of all Monies, if any, and all Vouchers in his Hands, except any Vouchers appertaining personally to himself.

Election Auditor to publish Abstract of such Accounts.

XXVIII. The Election Auditor shall also, as soon as he conveniently can, insert or cause to be inserted an Abstract of such Account, signed by him, in some Newspaper published or circulating in the County or Place where such Election is held; and such Abstract of Account shall specify the Amount of each of such Bills, Charges, or Claims admitted to be correct, or claimed and objected to, and the Names of the Parties to whom the same shall have been paid or are due, or by whom the same have been claimed respectively.

XXIX. In

Returning Officer to appoint new Election Auditor in case of Death, &c.

XXIX. In case the Person appointed to act as Election Auditor should, before his Duties herein mentioned are completed, die, resign, or become incapable of acting as such Election Auditor, it shall be lawful for the Returning Officer for the Time being to appoint some fit and proper Person to act as such Election Auditor in the Room of the Person originally appointed as aforesaid for the Remainder of the then current Year of such Appointment; and the Returning Officer shall give public Notice of such Appointment in the County, City, or Borough.

Monies, &c. to be handed over to new Election Auditor.

XXX. All Monies, Bills, Papers, and Documents of and relating to the Election which were in the Hands or under the Control of the Election Auditor going out of Office, dying, resigning, or becoming incapable of acting as aforesaid, except Receipts or Vouchers for Payments actually made by such Election Auditor, shall be handed over and transferred to the new Election Auditor appointed as hereinbefore mentioned; and such new Election Auditor shall in all respects, or as near thereto as may be, have the same Powers and act in the same Way as if he had been originally appointed previous to the Election: Provided always, that it shall be lawful for such new Election Auditor, at all reasonable Times, to have Access to and take Copies of or Extracts from the Receipts or Vouchers above excepted.

Appointment and Notification of Agents.

XXXI. Every Candidate shall, before or at the Nomination, or as soon after as conveniently may be, declare to the Election Auditor in Writing the Name or Names of his Agent or Agents for Election Expenses, who shall be appointed in Writing, and that he has not appointed and will not appoint any other Agent without in like Manner declaring the same to the Election Auditor, and no other than such Agents shall have Authority to expend any Money or incur any Expenses of or relating to the Election, in the Name or on the Behalf of the Candidate; and such Agents may pay any of the current Expenses of the Election necessary to be paid in ready Money, provided that such Agents shall make out, to the best of their Ability, and render, from Time to Time, true and particular Accounts to the Election Auditor of all such Payments; and every such Agent shall, as soon as conveniently may be after his Appointment as aforesaid, make and sign the following Declaration:

'I [*A.B.*], being appointed an Agent for Election Expenses by [*X.Y.*], a Candidate at this Election, do hereby solemnly and sincerely declare, That I have not knowingly made, authorized, or sanctioned, and that I will not knowingly make, authorize, or sanction, any Payment on account of this Election, otherwise than through the Election Auditor, save as excepted and allowed by "The Corrupt Practices Prevention Act, 1854."'

XXXII. In

Bribery, &c.

XXXII. In case any Person shall be proposed and seconded at any Election in his Absence, and without his previous Authority, it shall be lawful to the Persons proposing and seconding such Person to pay and agree to pay the lawful Expenses of the Election of such Person; and such Proposer and Seconder having agreed to pay such lawful Expenses shall become liable to pay the Fees hereby made payable to the Election Auditor, and pay any of the lawful Expenses of such Election, in like Manner and upon the same Terms and Conditions as herein provided concerning Agents for Election Expenses appointed in Writing by the Candidates.

Nomination of absent Candidates Expenses.

XXXIII. If any Candidate at any Election, or any Member hereafter returned to serve in Parliament, shall before the passing of this Act have paid any Money for or in respect of any Election hereafter to be held, or any Expenses thereof, such Person shall, to the best of his Ability, deliver a full, true, and particular Account of such Payment or Payments to the Election Auditor.

Payments before passing of Act.

XXXIV. Every such Election Auditor shall be paid and be entitled to receive, by way of Remuneration to him for his Services in and about the Election, the Sum of Ten Pounds from each Candidate at the Election, as and by way of First Fee; and a further Commission, at the Rate of Two Pounds *per Centum*, from each Candidate upon every Payment made by him for or in respect of any Bill, Charge, or Claim sent in to such Election Auditor as hereinbefore provided; and the reasonable Expenses incurred by the Election Auditor in the Business of the Election and the Performance of his Duties pursuant to this Act shall form Part of the Election Expenses, and shall be paid rateably and proportionably by the Candidates respectively.

Election Auditor, how paid.

XXXV. On the Trial of any Action for Recovery of any pecuniary Penalty under this Act, the Parties to such Action, and the Husbands and Wives of such Parties respectively, shall be competent and compellable to give Evidence in the same Manner as Parties, and their Husbands and Wives, are competent and compellable to give Evidence in Actions and Suits under the Act of the Fourteenth and Fifteenth *Victoria*, Chapter Ninety-nine, and "The Evidence Amendment Act, 1853," but subject to and with the Exceptions contained in such several Acts: Provided always, that any such Evidence shall not thereafter be used in any Indictment or Criminal Proceeding under this Act against the Party giving it.

In Actions for Penalties Parties, &c. to be competent Witnesses.

XXXVI. If any Candidate at an Election for any County, City, or Borough shall be declared by any Election Committee guilty, by himself

Candidate declared guilty of

Bribery incapable of being elected during Parliament then in existence.

himself or his Agents, of Bribery, Treating, or undue Influence at such Election, such Candidate shall be incapable of being elected or sitting in Parliament for such County, City, or Borough during the Parliament then in existence.

Short Title.

XXXVII. In citing this Act in any Instrument, Document, or Proceeding, or for any Purpose whatsoever, it shall be sufficient to use the Expression "The Corrupt Practices Prevention Act, 1854."

Interpretation of Terms.

XXXVIII. Throughout this Act, in the Construction thereof, except there be something in the Subject or Context repugnant to such Construction, the Word "County" shall extend to and mean any County, Riding, Parts, or Division of a County, Stewartry, or combined Counties respectively returning a Member or Members to serve in Parliament; and the Words "City or Borough" shall mean any University, City, Borough, Town Corporate, County of a City, County of a Town, Cinque Port, District of Burghs, or other Place or Combination of Places (not being a County as herein-before defined) returning a Member or Members to serve in Parliament; and the Word "Election" shall mean the Election of any Member or Members to serve in Parliament; and the Words "Returning Officer" shall apply to any Person or Persons to whom, by virtue of his or their Office, under any Law, Custom, or Statute, the Execution of any Writ or Precept doth or shall belong for the Election of a Member or Members to serve in Parliament, by whatever Name or Title such Person or Persons may be called; and the Words "Revising Barrister" shall extend to and include an Assistant Barrister and Chairman presiding in any Court held for the Revision of the Lists of Voters, or his Deputy in *Ireland*, and a Sheriff or Sheriff's Court of Appeal in *Scotland*, and every other Person whose Duty it may be to hold a Court for the Revision and Correction of the Lists or Registers of Voters in any Part of the United Kingdom; and the Word "Voter" shall mean any Person who has or claims to have a Right to vote in the Election of a Member or Members to serve in Parliament; and the Words "Candidate at an Election" shall include all Persons elected as Members to serve in Parliament at such Election, and all Persons nominated as Candidates, or who shall have declared themselves Candidates at or before such Election; and the Words "Personal Expenses," as used herein with respect to the Expenditure of any Candidate in relation to any Election, shall include the reasonable Travelling Expenses of such Candidate, and the reasonable Expenses of his living at Hotels or elsewhere for the Purposes of and in relation to such Election.

XXXIX. This

Bribery, &c.

XXXIX. This Act shall continue in force for One Year next after the passing thereof, and thenceforth to the End of the then next Session of Parliament. Duration of Act.

The

The SCHEDULE A. above referred to.

Date of Act.	Title of Act.	Extent of Repeal.
7 W. 3. c. 4. A.D. 1695.	An Act for preventing Charge and Expense in Elections of Members to serve in Parliament.	The whole Act.
2 G. 2. c. 24. A.D. 1729.	An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament.	All the Act, except the 3d Section, prescribing the Oath to be taken by Returning Officers, and except so far as the Penalties and Provisions of the said Act are applicable to the false taking of such Oath, and the Neglect to take the same.
16 G. 2. c. 11.	An Act to explain and amend the Laws touching the Elections of Members to serve for the Commons in Parliament for that Part of Great Britain called Scotland, and to restrain the Partiality and regulate the Conduct of Returning Officers at such Elections.	So much of the Act as is contained in the 33d Section.
43 G. 3. c. 74. A.D. 1803.	An Act for further regulating the Administration of the Oath or Affirmation required to be taken by Electors of Members to serve in Parliament by an Act passed in the Second Year of King George the Second, intituled "An Act for "the more effectual preventing "Bribery and Corruption in the "Election of Members to serve in "Parliament."	The whole Act.
49 G. 3. c. 118. A.D. 1809.	An Act for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining of Seats in Parliament by corrupt Practices.	The whole Act.

Bribery, &c.

Date of Act.	Title of Act.	Extent of Repeal.
4 G. 4. c. 55. A D. 1823	An Act to consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament for Counties of Cities and Counties of Towns in Ireland.	So much of the Act as is contained in the 48th 79th, and 81st Sections.
7 & 8 G. 4. c. 37 A.D. 1827.	An Act to make further Regulations for preventing corrupt Practices at Elections of Members to serve in Parliament, and for diminishing the Expense of such Elections	The whole Act.
2 & 3 W. 4. c. 65. A D. 1832.	An Act to amend the Representation of the People of Scotland.	So much of the 26th Section of the Act and the Schedule (K) thereto annexed as relates to the Oath or Affirmation against Bribery to be put to any registered Voter at any Poll or Election.
2 & 3 W 4. c. 88. A.D. 1832	An Act to amend the Representation of the People of Ireland.	So much of the 54th Section of the Act as relates to administering the Oath or Affirmation against Bribery.
5 & 6 Vict. c. 102.	An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament	So much of the Act as is contained in the 20th and 22d Sections.

SCHEDULE B.

No. 1.—*Proclamation to be used in Counties.*

Election of Knight, *&c.*

THE Sheriff of the County of will, at the Day of now next ensuing, proceed to the Election of a Knight *or* Knights, Member *or* Members [*as the Case may be*] for the County *or* Division of a County [*as the Case may be*], at which Time and Place all Persons entitled to vote at the said Election are requested to give their Attendance.

And take notice, That all Persons who are guilty of Bribery at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Act, 1854."

And take notice, That all Persons who are guilty of Treating or undue Influence at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Prevention Act, 1854."

Signature of the proper Officer.

No. 2.—*Notice of Election in Boroughs.*

City or Borough of Day of

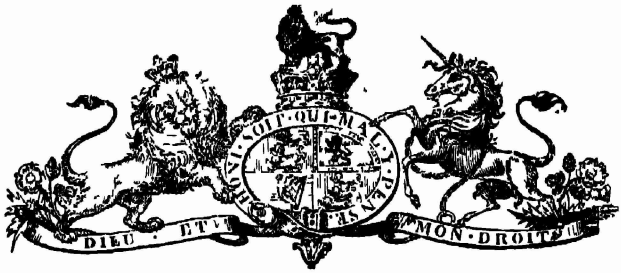
IN pursuance of a Writ received by me for electing a Burgess *or* Burgesses [*as the Case may be*], to serve in Parliament for the City *or* Borough [*as the Case may be*], I do hereby give Notice, That I shall proceed to Election accordingly on the Day of at o'Clock in , when and where all Persons concerned are to give their Attendance.

And take notice, That all Persons who are guilty of Bribery at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Prevention Act, 1854."

And take notice, That all Persons who are guilty of Treating or undue Influence at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Prevention Act."

Signature of the proper Officer.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. CIII.

An Act to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in *Ireland*.

[10th *August* 1854.]

WHEREAS it is expedient to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in *Ireland*, and to extend to such Towns certain Provisions of "The Commissioners Clauses Act, 1847," and of "The Towns Improvement Clauses Act, 1847," and of certain other Acts herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 & 11 Vict. c. 16
10 & 11 Vict. c. 34.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in *Ireland*, containing a Population of One thousand five hundred Inhabitants or upwards, as ascertained by their last Population Returns made pursuant to Act of Parliament

Interpretation of Terms in this Act.

"Town"

"Lord Lieutenant." liament; the Expression "the Lord Lieutenant" or "Lord Lieutenant of *Ireland*" shall include any other Chief Governor or

"Justices." Governors of *Ireland;* the Word "Justices," as far as it relates to any Town situate in the *Dublin* Metropolitan Police District, shall be construed to mean the Divisional Magistrates of the said Police

"Person." District; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations; the Word

"Householder." "Householder" shall mean a Male Occupier of a Dwelling House, or of any Lands, Tenements, or Hereditaments within the prescribed Boundaries of the Town rated to the Relief of the Poor in respect

"Occupier." thereof; the Word "Occupier" shall extend to and include an immediate Lessor made liable under this Act to Assessments in Cases of Premises of such small annual Value as herein-after mentioned respectively in that Behalf, and such Word "Occupier" shall not include a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Party by

"Lodging House." whom such furnished House is so let; the Expression "Lodging House" shall mean a House in which Lodgers are housed for a less Period than One Week at a Time, at an Amount not exceeding Four-

"County." pence *per* Head *per* Night; the Word "County" shall include a County

"Commissioners." of a City or County of a Town; the Expression "the Commissioners" shall mean a Majority of the Commissioners for the Purposes of this Act acting in and for a Town by which this Act has been in whole or

"Treasurer." in part adopted; the Word "Treasurer" shall mean any Bank or Banking Company appointed by the Commissioners to act as their

"Lands." Treasurer; the Word "Lands" and the Word "Premises" shall

"Premises." include all Lands, Springs, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and other

"Street." Houses and Buildings, and Yards and Places; the Word "Street" shall extend to and include any Road, Bridge, Lane, Square, Court,

"Oath." Alley, and Thoroughfare or public Passage; the Word "Oath" shall include Affirmation in the Case of Quakers, and Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath;

"Owner." the Word "Owner," used with reference to any Lands or Premises in respect of which any Work is required to be done, or any Assessment paid under this Act, shall mean the Person for the Time entitled to receive, or who, if such Lands or Premises were let to a Tenant at a Rackrent, would be entitled to receive the Rackrent from the

"Assistant Barrister." Occupier thereof; the Expression "Assistant Barrister" shall mean the Assistant Barrister for the County or Place in which the Lands or Premises in question are situate, and shall also include the Chairman of the Sessions of the Peace of the County of *Dublin;* the Expression

"Rackrent." "Rackrent" shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises, and the full net annual Value shall (save as regards any Valuation for

Poor

Poor Rates or Valuation for Assessments under this Act) be taken to be the Rent at which the Property ought reasonably to be expected to let from Year to Year, free from all Quit Rent, Head Rent, Ground Rent, and usual Tenants Rates and Taxes, and deducting therefrom the probable annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent; the Expression "private Assessment" shall mean any Assessment or Charge on Individuals for private Improvement Expenses, or for House Drainage, or otherwise under this Act; the Expression "District Assessment" shall mean any Assessment other than a "private Assessment" which is confined only to a Portion or District of any Town; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; the Expression "lawful Day" shall mean a Day not being *Sunday*, *Christmas Day*, or *Good Friday*, and when any Number of Days is appointed by this Act the same shall be construed to mean such lawful Days, and be computed inclusive of the first and exclusive of the last of such Days; Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender (except only the Word "Male") shall include Females.

"Private Assessment."

"District Assessment."

"Cattle."

"Lawful Day."

Number.

Gender.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, and in pleading, it shall be enough to use the Expression "The Towns Improvement (*Ireland*) Act, 1854."

Short Title of this Act

III. For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act; and such Reference to said introductory Words shall also be a sufficient incorporation thereof in any Notice, Application, or other Proceeding under this Act.

Form in which Portions of this Act may be incorporated in other Acts, or in Documents.

IV. Upon the Application of Twenty-one or more Householders of any City or Town in *Ireland*, each of such Householders occupying a Dwelling House or other Lands, Tenements, or Hereditaments within such City or Town, and rated in respect thereof to the Relief of the Poor at a net annual Value of Eight Pounds or upwards, applying that this Act or that specific Portion thereof (described as herein-before provided) may be carried into execution in such City or Town,

On Application of Twenty-one Eight Pound Householders of any Town, Lord Lieutenant may order Mayor, &c. to convene a

Meeting to consider the carrying this Act into execution therein.

Town, which Application shall specify the Boundaries proposed for the Purposes of this Act, and a Copy of which Application shall be inserted in the *Dublin Gazette* and in One or more Newspaper or Newspapers published in such City or Town, and if none be therein published then in One or more Newspaper or Newspapers published nearest to such City or Town, it shall be lawful for the Lord Lieutenant of *Ireland*, One Month after Receipt of such Application, and if he shall approve of such proposed Boundaries, to order and direct that the Mayor or other Chief Magistrate of such Town (being a Corporate Town), or the Chairman of the Municipal Commissioners under the Act of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and eight, wherever the same shall be in force, or any Two or more Justices of the Peace resident within Ten Miles of such Town, shall convene a Meeting for the Purpose of considering the carrying of this Act into execution, and One of them shall preside thereat, such Orders and Directions to be signified by the Chief Secretary of the Lord Lieutenant, or in his Absence by the Under Secretary; and a Copy of such Orders and Directions, with the Names of the Parties signing the Application for the same, and the Boundaries so approved of shall be inserted, under the Direction of such Chief or under Secretary, in such Gazette and Newspaper or Newspaper as aforesaid.

Order to specify the Boundaries of Town for the Purposes of this Act. If Act adopted, same to be the Boundaries.

V. Any such Order and Direction as aforesaid shall describe and specify the proposed Boundaries, for the Purposes of this Act, of such City or Town; and the same shall be in like Manner published in such Gazette and Newspaper or Newspapers as aforesaid; and if this Act shall be adopted in manner herein mentioned, in the whole or in part, such Boundaries, so approved of as aforesaid, shall be deemed to be the Boundaries of such City or Town for the Purposes of this Act: Provided always, that, in case it shall hereafter appear necessary, it shall be lawful for the Commissioners, by and with the Consent of the Lord Lieutenant, to alter or extend the Boundaries of such City or Town; and such altered or extended Boundaries shall then be deemed to be the Boundaries of such City or Town for the Purposes of this Act.

Notice of such Meeting, when and how to be given.

VI. Such Meeting shall be holden at some convenient Place within such City or Town, and the said Mayor, or other Chief Magistrate, or Justices, as the Case may be, shall, within Ten Days after the Receipt of such Orders and Directions signified as aforesaid, appoint and notify a Place within the Town, and a Time for holding such Meeting, which Time shall not be less than Ten Days, and not more than Twenty-one Days, from the Time of so first notifying the same; and such Notification shall be made by affixing Notices by Handbills Ten Days before the Day

of

of the Meeting, in the Form in the Schedule marked (A.) to this Act annexed, on the Outside of the principal Doors of every Parish Church and Roman Catholic Chapel (if any) situate within such Town, and on the principal Market House or Place where Markets are usually holden in the same, and on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for such City or Town, or for the Division in which the same shall be situate, and also by causing a Notice of like Purport to be inserted twice in any Newspaper or Newspapers published within such City or Town, and if none be therein published, then in the Newspaper published nearest to such City or Town.

At such Meeting, Persons rated for One Year to Poor Rates for Premises of the Value of 8*l.* within the Town to have Votes.

VII. At any such Meeting convened as aforesaid such Persons as next hereinafter mentioned shall be admitted and entitled to vote, and no other Person whatsoever; that is to say, every Person of full Age who is the Immediate Lessor of Lands, Tenements, and Hereditaments within such Town, or within such Boundaries of the same respectively as aforesaid, of the Value of Fifty Pounds or upwards according to the last Poor Law Valuation, and who shall reside within Five Miles of the Boundary of such Town, also every Person of full Age who shall have occupied as Tenant or Owner, or shall have been the Immediate Lessor (rated for such Premises to the Relief of the Poor) of any Lands, Tenements, or Hereditaments within such City or Town, or within such Boundaries of the same respectively as aforesaid, and shall have been rated in respect of such Premises for the Period of Twelve Months preceding under the Acts for the Relief of the destitute Poor in *Ireland*, as Occupier of such Lands, Tenements, or Hereditaments, at a net annual Value of Eight Pounds or upwards, such Right of voting to be evidenced by the Rate Book of the Union, which the Clerk of the Union is hereby required to produce at such Meeting; and if any Controversy shall arise at any such Meeting as to the Qualification or Right of voting of any Person claiming to vote, or to be qualified, such Controversy shall be determined by the Person or Persons, as the Case may be, presiding at such Meeting, by Reference to the Rate Book which the Clerk of the Union is hereby required to produce at such Meeting.

Right of voting to be decided by Chairman.

Power of Meeting to adopt this Act, or to decline to adopt it.

VIII. Such Meeting, after having had this Act laid before them, together with a Copy of such Application and such Order as aforesaid, shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Town, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting, to be held on such Day as shall be appointed by such Meeting; and such

 future

future Meeting shall, upon receiving the Report of such Committee, proceed in all respects in the Manner herein directed for such Meeting.

Expenses attending the calling First Meeting, &c how to be borne.

IX. If the Provisions of this Act shall be adopted in whole or in part, all the Expenses incurred in relation to calling the First Meeting, making out Returns and Lists of qualified Occupiers, if such be necessary, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Money assessed and levied under the Authority thereof; but in case the Provisions of this Act shall not be adopted by such Meeting as aforesaid, in whole or in part, then the whole of said Expenses shall be borne by the Persons signing the Application for holding such Meeting.

Chairman to declare the Determination of the Meeting.

X. The Person or Persons presiding at such Meeting shall ascertain the Determination thereof by a Show of Hands, or in such other Manner as shall appear to him or them expedient, and if necessary shall appoint Two such Ratepayers, qualified as aforesaid, to act as Tellers to ascertain and enumerate the Votes of qualified Persons assenting to or dissenting from the Adoption of this Act, in whole or in part, and such Tellers shall report the Result of their Scrutiny to such Person or Persons presiding at such Meeting, who shall declare the same; and in case no Poll shall be demanded, as hereinafter provided, any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if carried by a Majority of Persons qualified and voting as aforesaid; provided always, that if a Poll shall be demanded as aforesaid at such Meeting, in Writing, and signed by any Ten Persons qualified to vote at such Meeting, it shall then be lawful for the Person or Persons presiding at such Meeting, and he or they are hereby required, to direct the Poll so demanded to be proceeded with at such Polling Place or Places and within such Period as he or they shall determine, such Period not to exceed Two clear lawful Days from the Day of such Meeting; and no Poll authorized by this Act to be taken shall be kept open for more than One Day, and the Polling shall commence at the Place or Places intimated at Nine o'Clock of the Forenoon, and close at Four o'Clock of the Afternoon of the Day that shall be named.

Majority sufficient.

Poll Books to be provided.

XI. Such Chief Magistrate, Mayor, or Justices shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared, in which Books shall be inscribed by such Clerks the Name of the Voter and the Manner in which he votes.

State of Poll to be ascertained and declared

XII. As soon after the Close of the Poll as may be the Poll Clerks shall transmit the State of the respective Polls to such Chief Magistrate, Mayor, or Justices, who shall sum up the same, and openly declare

clare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day; and any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if carried by a Majority of the Persons qualified and voting as aforesaid.

How Minutes of Meeting to be worded if Act adopted in part only.

XIII. If such Resolution shall be to adopt this Act only in part, the Matter or Matters with respect to which this Act is so adopted shall be set forth and declared in the Minutes of such Meeting in the Words introductory to the Enactment in this Act with respect to such Matters, or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Matter or Matters so described, is so adopted; and any Adoption of this Act, though in part only, shall infer the Adoption of the Enactments with respect to Assessments, and shall also infer the Adoption of the Enactments with respect to Appeal herein-after provided in so far as the Enactments relate to the Matter or Matters adopted, and shall also infer the Adoption of every other general Enactment or Enactments applicable to such Matter or Matters, though not specially set forth and declared in such Minutes to be adopted.

If Act not adopted, Proposal may be re-considered after Two Years; if adopted only in part, it may after Two Months be further adopted.

XIV. Where any Town shall have resolved not to adopt the Provisions of this Act, the Householders and Occupiers thereof, qualified in each Case respectively as aforesaid, may, after the Expiration of Two Years from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt the same in whole or in part, or determine not to adopt the same; and when any Town shall have adopted them only in part, the Householders and Occupiers thereof, qualified in each Case respectively as aforesaid, may, after the Expiration of Two Months from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt such Part thereof as may not formerly have been adopted, or determine not to adopt the same

Certified Copy of Determination to be transmitted to Lord Lieutenant

If Lord Lieutenant approve of Determination, Notice of Approbation to be published

XV. The Person or Persons presiding at such Meeting shall, within One Week, transmit to the Lord Lieutenant of *Ireland* a Copy, certified under his or their Hand, of the Resolution and Determination of such Meeting as aforesaid, and within One Month after such Resolution or Determination shall have been so certified, in case such Resolution or Determination shall be in favour of adopting the Execution of this Act in whole or in part; and in case the Lord Lieutenant shall approve of the same, he shall notify his Approbation thereof to the said Person or Persons, and fix the Number of Commissioners to be elected for carrying this Act into execution in such Town, and cause Notice of such Approbation to be published in the *Dublin Gazette;*

in Gazette, and Act put in force accordingly.

Gazette; and from and after a Day to be named in such Notice in that Behalf, either the whole of this Act or the Portion thereof so adopted and approved shall be applicable to and in force in such Town; and the Production of a printed Copy of such Gazette containing such Notice shall be deemed and taken to be in all Courts and Places final and conclusive Evidence for all Purposes that all the Proceedings, Acts, Matters, and Things required by this Act to be had or done for the Adoption of this Act in whole or in part were well and sufficiently done, and that the Act is in force in whole or in part, as the Case may be, in the Town to which such Notice relates; and the said Notice shall further state the Number of Commissioners to be elected for carrying this Act into execution in such Town, and the Number and the Boundaries of Wards into which such Town is to be divided; provided that in case of any Borough or Town Corporate in *Ireland*, the Town Council of such Borough, or the Board of Municipal Commissioners elected under the Provisions of the Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, wherever the same shall be in force, shall be the Commissioners for carrying this Act into execution therein, where the Adoption of this Act, in whole or in part, shall have been determined on and approved in manner aforesaid; and in such Case no such Statement as last aforesaid of Division into Wards, or of the Number of Commissioners to be elected, shall be contained in such Notice; and the Lord Lieutenant shall appoint some fit and proper Person to divide such Town into Wards, and to determine and set out the Extent, Limits, and Boundary Lines of such Wards, and what Portions of such Borough shall be included therein respectively; and the Copy of the Particulars of such Division, together with the Number of Commissioners assigned as herein-after mentioned to each Ward, shall be forthwith transmitted to the Chief Secretary of the Lord Lieutenant; and if it shall be approved of by the Lord Lieutenant, with the Advice of the Privy Council, shall be published in the *Dublin Gazette;* and another Copy of such Particulars shall be delivered to the Town Clerk, or such Officer of the Town as the Privy Council may direct, to be by him safely kept among the public Documents of the Town, and such Division shall continue and be in force until the same shall be altered by the Authority of Parliament; and the Person so appointed to divide the Town into Wards shall also apportion among the several Wards of such Town the Number of Commissioners appointed for the Town by the Lord Lieutenant; and in assigning the Number of Commissioners to each Ward, such Person shall, as far as in his Judgment he may deem it practicable, have regard as well to the Number of Persons rated to the Relief of the Poor in each Ward, as to the aggregate Amount of the Sums at which all the said Persons

Notice to state Number of Wards and Number of Commissioners to be elected.

In Corporate Towns, Town Council or Municipal Board to be the Commissioners.

Persons shall be so rated, and such Apportionment of Commissioners shall be subject to the like Approval of the Lord Lieutenant and Privy Council: Provided, that in case the Lord Lieutenant and Privy Council shall not approve of the said Division or Apportionment, the Lord Lieutenant shall remit the same either to the Person originally appointed, or to some other Person, to make a new Division and Apportionment, subject to the like Approval, and so from Time to Time until such Division and Apportionment shall be definitively approved of.

Number of Commissioners.

If the Town be divided into Wards.

XVI. The Commissioners for the Purpose of executing this Act, to be elected as herein provided, shall be in Number not less than Nine nor more than Twenty-one, as may be determined as aforesaid, such Number to be divisible by Three; and where the Town shall be divided into Wards as aforesaid, the Number thereof, and the Number of Commissioners to be elected, shall be so settled and adjusted that there shall be not less than Three such Commissioners for each such Ward.

Where 9 G. 4. c. 82. in force in any Town, same to be no longer in force after First Election of Commissioners under this Act.

XVII. In any Town where the Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, shall be in force, and by which Town Application shall be made and Proceedings had in manner aforesaid under this Act, then, from and after the First Election of Commissioners under this Act for such Town, the said Act of the Ninth Year of King *George* the Fourth shall be no longer in force therein, save and except as to Matters or Things theretofore done, and as to any Debts, Demands, Rights, Liabilities, or Engagements theretofore incurred or accrued under the Provisions thereof; and all and every the Powers, Duties, and Authorities conferred upon or vested in the said Commissioners, whether by Statute or otherwise, and all Property, (including all Property vested in the said Commissioners under the Provisions of the Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight,) and all Claims, Demands, and Liabilities or Engagements of the Commissioners under the said Act of the Ninth Year of King *George* the Fourth, shall be transferred to and vested in the said Commissioners under this Act.

Where a Local Act in any Town provides for any Purposes of this Act, this Act not to be put in force without previous

XVIII. Where any Local Act in force in any Town before the passing of this Act provides for any of the Purposes for which Provision is hereby made, this Act shall not be adopted or put in force therein in manner herein provided, so far as relates to any of the Purposes for which Provision is made under such Local Act, without the Consent in Writing of Two Thirds of the Commissioners or governing Body, constituted for the Purposes of such Local Act,

Consent of Two Thirds of Commissioners under Local Act

first had and obtained at a Special Meeting of such Commissioners or governing Body, called upon Ten Days previous Notice at the least (to be published in the Manner and for the Time herein-before mentioned), but this Act may without such Consent be adopted and put in force for other Purposes for which Provision is not made under such Local Act; but in such Case where such Consent is hereby required, and has been had, then, from and after the Adoption of this Act in the whole or in part and the First Election of Commissioners under this Act for such Town, such Local Act shall be no longer in force in such Town, so far as regards the Provisions of such Act which have Reference to the Purposes for which this Act shall have been so adopted, save and except as to Matters and Things theretofore done, and as to any Debts, Demands, Rights, or Liabilities theretofore incurred or accrued under or in relation to such Provisions thereof; and in such Case, if under the Provisions of such Local Act any Tolls within such Town shall have been payable to and vested in such Commissioners or Governing Body, such Tolls, and all Rights of receiving and levying the same, and the Remedies for the Recovery thereof, shall, from and after the First Election of Commissioners under this Act, be transferred to and stand vested in the Commissioners under this Act, subject nevertheless to all Debts, Demands, Rights, Liabilities, or Engagements theretofore affecting such Tolls or such Commissioners under such Local Act in respect thereof; and such Tolls shall stand vested in the said Commissioners acting under this Act, upon the Uses and Trusts, and for the Purposes, and subject to the same or like Regulations as contained and provided in such Local Act relating to such Tolls, so far as may be consistent with this Provision for the Transfer of the same as aforesaid; and such Commissioners under this Act shall be likewise empowered to raise, levy, and apply, for the Purposes of this Act, such Rates and Assessments, and of such Amount and for such Purposes, as by this Act is herein-after provided.

After Adoption of this Act, and First Election of Commissioners, Local Act to be no longer in force for the Purposes of this Act

Lord Lieutenant not to direct Meetings for the Adoption of the 9 G. 4. c. 82

XIX. From and after the Commencement of this Act it shall not be lawful for the Lord Lieutenant of *Ireland* to order or direct any Meeting to be called or convened for the Purpose of carrying the said Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, into execution.

Where Commissioners under Local Act decline to consent to the Adoption of this Act, same may be adopted by

XX. In any City or Town Corporate where any Local Act in force provides for Purposes for which Provision is made under this Act, and where the Commissioners constituted under the said Local Act decline to consent to the Adoption of this Act in the Manner herein-before provided, then and in that Case this Act may be adopted or put in force in whole or in part in said City or Town Corporate, by Consent obtained in Writing under the Hands of Two Thirds of the Town Council

Council of said City or Town Corporate; and in case any or all the Purposes for which the Assessment, or any Part thereof, under such Local Act is raised and levied are adopted as aforesaid under the Provisions of this Act, then the Powers of Assessment for such Purposes under such Local Act, and in the Manner specified by such Local Act, so far as such Powers are necessary for carrying out such Purposes and no further, shall be transferred to the said Commissioners under this Act, in addition to the Powers of Assessment herein-after provided under this Act: Provided always, that in case there exists any Debt due of the Commissioners of said Local Act, borrowed under the Provisions thereof, and payable out of the Dues and Duties leviable under said Act, such Debt, with the Interest accruing and payable thereon, shall be transferred to the Commissioners under this Act, and be considered as Money borrowed by them under the Provisions of this Act, and repayable as herein-after provided in respect to all Monies to be borrowed by the Commissioners appointed under this Act.

Consent of Two Thirds of Town Council, and Powers of Assessment under Local Act transferred to Commissioners under this Act.

And with respect to the Election and Rotation of Commissioners under this Act, except where the Town Council are the Commissioners under this Act, be it enacted as follows:

XXI. As soon as conveniently may be after the Receipt of the Lord Lieutenant's Approval of the Adoption of this Act, in the whole or in part, in and for any Town, the Chief Magistrate, Mayor, or Justices as aforesaid shall convene a Meeting of the rated Occupiers, qualified as next herein-after mentioned, of such City or Town, or (if the same shall be divided into Wards) of such respective Wards, for the First Election of Commissioners for the Purpose of executing this Act, at some convenient Place in such City or Town, or in their respective Wards, as the Case may be, to be specified in the Notice to be given of such Meeting, and, in such Places as shall be divided into Wards as aforesaid, the Ward Meetings shall, at the said First Election of Commissioners under this Act, be presided over by a Justice of the Peace resident within such Ward (if any), and in default of such, by One of the highest Ratepayers within such Ward, to be nominated by the Mayor, Chief Magistrate, Chairman of the Municipal Commissioners, or Justices aforesaid.

First Election of Commissioners under Act.

XXII. At such First and every other Meeting for the Election of Commissioners in said Town as herein-after prescribed such Persons as next herein-after mentioned shall be admitted and entitled to vote, and no other Person whatsoever; that is to say, every Person of full Age who is the immediate Lessor of Lands, Tenements, and Hereditaments

Qualification of Electors at Elections of Commissioners.

ditaments within such Town, or within such Boundaries of the same respectively as aforesaid, of the Value of Fifty Pounds or upwards according to the last Poor Law Valuation, and who shall reside within Five Miles of the Boundary of such Town, also every Person of full Age who shall have occupied as Tenant or Owner or joint Occupier, or shall have been the immediate Lessor (rated for such Premises to the Relief of the Poor to the net annual Value of Four Pounds or upwards, and in the Case of joint Occupiers rated in respect of Premises of the net annual Value of Four Pounds or upwards for each of such joint Occupiers) of any Lands, Tenements, or Hereditaments within such Town, or within such Boundaries of the same respectively as aforesaid, and shall have been rated in respect of such Premises for the Period of Twelve Months preceding the First Day of *January* in the Year in which any such Election shall be held, under the Acts for the Relief of the destitute Poor in *Ireland*, and shall have paid all such Poor Rates as aforesaid as shall have become payable by him in respect of such Premises and all Grand Jury Rates, and all such Rates as shall have become payable by him under any Local Act in force in the City or Town or under this Act, except such as shall have become payable within Six Months next preceding such Election; and of the Payment or Nonpayment of such Rate, a Receipt, Certificate, or certified List, under the Hand of the Collector of Poor Rate, the Barony Collector, and the Collector under any Local Act in force in the City or Town, shall for such Purpose be deemed sufficient Evidence, and which Certificate or certified List such Collectors and Barony Constables are hereby required to furnish to the Person or Persons presiding at such Election; and if any Controversy shall arise at such Meeting as to the Qualification or Right to vote of any Person claiming to vote or to be qualified, such Controversy shall be determined by the Person or Persons presiding at such Meeting upon reference to the Rate Book, which the Clerk of the Union is hereby required to produce at such Meeting.

Day for Election of Commissioners.

XXIII. The Day upon which One Third of the Commissioners elected under this Act shall annually go out of Office, as herein-after provided, shall be the Fifteenth Day of *October* in each Year, or the next lawful Day thereto, and on the same Day annually the Places of Commissioners going out of Office shall be supplied by an equal Number of newly elected Commissioners, to be chosen from among the Householders or Occupiers of the Town, qualified to be Commissioners, as herein-after prescribed; and where the Town is divided into Wards, the Place of each Commissioner going out of Office shall in all Cases under this Act be filled up by the Ward which returned him: Provided always,

always, that if such First Election of Commissioners under this Act shall take place before the Fifteenth Day of *October* in the Year of such Election, the Commissioners then first elected shall all continue in Office until the Fifteenth Day of *October* in the Year next ensuing that in which such Election shall have been held, or the next lawful Day afterwards.

Commissioners Clauses Act, as to Election and Rotation, incorporated herewith.

XXIV. Save as herein-before in that Behalf provided, so much of "The Commissioners Clauses Act, 1847," as relates to the Election and Rotation of the Commissioners, save so much thereof as relates to the Scale of Votes of Owners and Occupiers, shall be incorporated with and read as Part of this Act; and that wherever in the Portions of said Act so incorporated, or in any other Portions of said Act, or of "The Towns Improvement Clauses Act, 1847," herein-after incorporated with this Act, the Expression "Special Act" occurs, same shall be construed, but so far only as relates to Towns which shall adopt the Provisions of this Act, to mean this Act, and shall be read as if, instead of such Expression, there were inserted in such Provisions the Words "The Towns Improvement (*Ireland*) Act, 1854," as applied to any particular Town adopting the Provisions of this Act and of the Acts incorporated herewith.

And with respect to the Qualification of Commissioners, be it enacted as follows:

Qualification of Commissioners.

XXV. Every Person who shall have been for Twelve Months preceding the First Day of *January* in the Year in which such Election s held the immediate Lessor of Lands, Tenements, and Hereditaments within such Town, or within such Boundaries of the same respectively as aforesaid, of the Value of Fifty Pounds or upwards, according to the last Poor Law Valuation, and who shall reside within Five Miles of the Boundary of such Town, and also any Householder or Occupier of full Age rated to the Relief of the Poor in respect of a Dwelling House in the Town at the net annual Value of Twelve Pounds or upwards, not being an Ecclesiastic of any religious Denomination, shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed at such Meeting by any Householder or Occupier qualified to vote under the Provision herein-before contained, and may be seconded by any other Householder or Occupier qualified to vote as aforesaid.

Incorporation Clause.

XXVI. So much of "The Commissioners Clauses Act, 1847," as relates to the Qualification of the Commissioners shall be incorporated with and read as Part of this Act.

And with respect to the Meetings and other Proceedings of the Commissioners, be it enacted as follows:

First Meeting of Commissioners

XXVII. All the Commissioners so returned as aforesaid shall, at Twelve of the Clock at Noon on the First *Monday* after such Election, hold their First General Meeting in the Town Hall or other convenient Place within such Town, with Power to adjourn to such other Place as they may think fit; and Meetings of the Commissioners shall be held in such Places as they shall appoint within the Town upon the First *Monday* of every Month in each Year, at Twelve of the Clock at Noon.

Statutory Meetings

Incorporation Clause. Meetings of Commissioners

XXVIII. Save as herein in that Behalf provided, so much of "The Commissioners Clauses Act, 1847," as relates to the Meetings and other Proceedings of the Commissioners, and their Liabilities, shall be incorporated with and read as Part of this Act.

And with respect to the Chairman of the Commissioners, be it enacted as follows:

Chairman to be a Justice of the Peace for the Purposes of the Act.

XXIX. The Commissioners elected under this Act shall furnish to the Lord Chancellor of *Ireland* for the Time being a certified Return, setting forth the Name, Age, Rating, Occupation, or Profession of the Persons elected to be Commissioners, and it shall be lawful for the Lord Chancellor, if he shall think fit, to select from such Commissioners a proper and qualified Person to act as a Justice of the Peace for the Purposes of this Act within the Boundaries of the Town, and then in all Cases arising under this Act, and cognizable by One or more Justices of the Peace, the Person so selected shall, during his Term of Office, and during that Term so long as the Lord Chancellor shall not disapprove, have the Jurisdiction and Authority of and be a Justice of the Peace within the Boundaries of the Town as specified for the Purposes of this Act, and for such Purposes only, provided such Town be not situate within the *Dublin* Metropolitan Police District.

And with respect to the Duties of such Commissioner so selected as aforesaid, to have the Jurisdiction and Authority of a Justice of the Peace, be it enacted as follows.

Commissioners to provide suitable Court-house, and proper Officer to act as Clerk.

XXX. It shall be lawful for the said Commissioners and they are hereby required to appoint a proper Officer to act as Clerk, and to provide, if there shall be no public Court House within such Town, a suitable Building to be a public Court for the hearing and determining of Offences under this Act; and it shall be lawful for the said Commissioner or any other Justice of the Peace of the City or Town, or of the County in which such City or Town or any Part thereof is situate, to sit at and hold such Court on every Fair and Market Day of such City or Town, and on every other Day on which he or they may think

think fit, for the hearing and determining of Offences under this Act; and for the Purposes of this Act such Commissioner or other Justice or Justices presiding at such Court shall have the same Powers as Justices presiding at Petty Sessions.

And with respect to the Officers to be appointed by the Commissioners, be it enacted as follows:

Officers. Proviso as to Approval.

XXXI. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Officers to be appointed by the Commissioners, shall be incorporated with and form Part of this Act: Provided always, that the Approval requisite to the Appointment of such Officers shall be the Approval of the Lord Lieutenant of *Ireland* for the Time being

And with respect to Plans of Towns, and of the Works to be executed under the Powers of this Act, be it enacted as follows:

Surveys and Plans.

XXXII. So much of "The Towns Improvement Clauses Act, 1847," as relates to Plans of the District, and of the Works to be executed under any Act, shall be incorporated with and form Part of this Act.

And with respect to making and maintaining the Public Sewers, be it enacted as follows:

Power to purchase, &c. certain Sewers.

XXXIII. The Commissioners may, if they shall think fit, purchase the Rights, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of, or purchase any Sewers within the Town, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Sewers belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same.

Incorporation Clause. Appeal. Persons aggrieved by making, &c. Sewers may Appeal.

XXXIV. So much of "The Towns Improvement Clauses Act, 1847," as relates to the making and maintaining the public Sewers, shall be incorporated with and form Part of this Act: Provided always, that as regards the making, altering, and maintaining Sewers and Drains, it shall be lawful for any Person whose Property may be taken or affected, or who shall think himself thereby aggrieved, to appeal thereon to the Court of the Assistant Barrister in manner herein-after mentioned.

And

And with respect to the Drainage of Houses, be it enacted as follows:

Drainage of Houses Incorporation Clause. Appeal.

XXXV. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Drainage of Houses shall be incorporated with and form Part of this Act: Provided, that where the Commissioners shall signify their Disapproval of the Level at which it is proposed to lay the Foundations of any new House as provided therein, it shall be lawful for any Person who shall think himself aggrieved thereby to appeal thereon to the Court of the Assistant Barrister in manner herein-after provided.

And with respect to paving and maintaining the Streets, be it enacted as follows:

Paving Incorporation Clause.

XXXVI. That Clauses Fifty-one, Fifty-two, and Fifty-three of "The Towns Improvement Clauses Act, 1847," shall be incorporated with and form Part of this Act; provided that nothing herein or in the said Clauses so incorporated with this Act shall extend or be construed to exonerate any Turnpike Commissioners or Trustees, or any Grand Jury or other Body, or Person or Persons whatsoever, from his or their Duty or Obligation to maintain and repair any Street or Road running through any City, Town Corporate, Borough, or other Town adopting the Provisions of this Act, unless the Commissioners for the Execution of this Act shall desire to take upon themselves such Duty or Obligation; and in such Case such Commissioners shall become liable in like Manner as the Party or Parties originally liable to such Duty or Obligation, and shall in like Manner answer for and be punishable for any Default in the Discharge or Observance of such Duty or Obligation.

And with respect to laying out new Streets, be it enacted as follows:

New Streets Incorporation Clause Parties aggrieved may appeal.

XXXVII. So much of "The Towns Improvement Clauses Act, 1847," as relates to laying out new Streets be incorporated with and form Part of this Act: Provided always, that as regards the making and laying out any new Streets, and fixing the Levels thereof, it shall be lawful for any Person whose Property may be taken or affected, and who shall think himself thereby aggrieved, to appeal thereon to the Assistant Barrister in manner herein-after mentioned.

And with respect to naming the Streets and numbering the Houses, and also with respect to improving the Line of the Streets and removing Obstructions, be it enacted as follows:

Naming Streets; numbering Houses; Obstructions.

XXXVIII. So much of "The Towns Improvement Clauses Act, 1847," as relates to naming the Streets and numbering the Houses, and also so much thereof as relates to improving the Line of the Streets and

and removing Obstructions, shall be incorporated with and form Part of this Act: Provided always, that as regards the improving the Line of any Street and removing Obstructions it shall be lawful for any Person whose Property may be taken or affected, and who shall think himself thereby aggrieved, to appeal thereon to the Assistant Barrister in manner herein-after mentioned.

Parties aggrieved may appeal to the Assistant Barrister.

And with respect to ruinous or dangerous Buildings, and also with respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses, be it enacted as follows:

XXXIX. So much of "The Towns Improvement Clauses Act, 1847," as relates to ruinous and dangerous Buildings, and also so much thereof as relates to Precautions during the Construction and Repair of the Sewers, Streets, and Houses, shall be incorporated with and form Part of this Act.

Ruinous Buildings, Precautions, &c.

And with respect to Objections to Works to be constructed by or subject to the Approval of the Commissioners, be it enacted as follows:

XL. So much of "The Towns Improvement Clauses Act, 1847," as relates to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, except so much thereof as relates to the Appeal thereby provided, shall be incorporated with and form Part of this Act.

Objections to Works.

XLI. Any Person liable to pay or to contribute towards the Expense of any of the Works herein-before mentioned, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Assistant Barrister at the next Quarter Sessions for the Division or Place, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Eight Days next after giving such Notice the Party give Security by Recognizance before a Justice of the Peace, with Two sufficient Sureties, to the Satisfaction of such Justice, to abide the Order of the Assistant Barrister, and pay such Costs as may be awarded against him thereupon, the Work so appealed against shall not be begun until after the Judgment of the Assistant Barrister upon such Appeal; and a Copy of such Notice, and Statement of the Grounds of such Appeal as aforesaid, shall be lodged by the Appellant with the Clerk of the Peace on the Day before the Commencement of the Sessions at which the Appeal is to be heard; and the Assistant Barrister shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying such

Persons aggrieved by Orders of the Commissioners may appeal to the Assistant Barrister.

Order, Proceeding, or Matter, and shall award such Costs to either of the Parties, as the said Assistant Barrister in his Discretion thinks fit; provided, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Recognizance entered into as aforesaid, nor on the Hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid; provided also, that if there be not an Interval of Fifteen Days between the making of such Order and the then next Sessions, then such Appeal may be made and such Notice given for the next following Sessions for the Division or Place at which the Appeal can be heard.

And with respect to cleansing the Streets, and the Prevention of Nuisances, and the Prevention of Smoke, be it enacted as follows:

Cleansing Streets, Prevention of Nuisances, and of Smoke.

XLII. So much of "The Towns Improvement Clauses Act, 1847," as relates to cleansing the Streets, and the Prevention of Nuisances, and the Prevention of Smoke, shall be incorporated with and form Part of this Act.

And with respect to the Construction of Houses for Prevention of Fire, be it enacted as follows:

Party Walls to be carried up through the Roof.

XLIII. The Party Walls of all Buildings erected after the Adoption of this Act by any Town shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Walls belong; and every Person who shall erect any Building contrary to the Provision herein contained, and who shall not alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding Five Shillings for every Day that such Building shall so continue.

And with respect to supplying Buildings with fresh Air, be it enacted as follows:

Ventilation.

XLIV. So much of "The Towns Improvement Clauses Act, 1847," as relates to supplying Buildings with fresh Air shall be incorporated with and form Part of this Act; provided, that the Appeal from the Determination of the Commissioners in this respect shall be such Appeal to the Court of the Assistant Barrister as is herein-before provided.

And with respect to Lodging Houses, be it enacted as follows:

For the Regulation of Lodging Houses

XLV. It shall not be lawful to keep or use as a Lodging House within any Town the Population of which, as ascertained by the last Population Returns made pursuant to Act of Parliament, shall be above Three

Three thousand Inhabitants, any House, not being a Licensed Victualling House, unless such House shall have been registered as a Lodging House in a Book to be kept by the Commissioners for that Purpose.

Incorporation Clause.

XLVI. Save as above provided, so much of "The Towns Improvement Act, 1847," as relates to Lodging Houses shall be incorporated with and form Part of this Act.

And with respect to Slaughter-houses, be it enacted as follows:

Slaughter-houses, &c. Saving Rights of Persons incorporated by Act of Parliament for maintaining Slaughter-houses.

XLVII. So much of "The Towns Improvement Clauses Act, 1847," as relates to Slaughter-houses shall be incorporated with and form Part of this Act: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated or authorized by any Local Act of Parliament passed before the passing of this Act, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, or Place.

And with respect to the Sale or Exposure for Sale of unwholesome and adulterated Food, be it enacted as follows:

Provision against Sale of unwholesome Meat;

XLVIII. In any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, no Animal, Carcass, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man shall be kept or retained, unless entirely separate and apart from any Animal, Carcass, Meat, Poultry, Game, Flesh, or Fish which is intended for such Food, nor unless the same be ticketed in large and legible and conspicuous Characters as being unfit for such Food; and any Person who shall keep in any Shop, Building, Stall, or Place occupied or used by him as aforesaid any Animal, Carcass, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man otherwise than entirely separate and apart, and ticketed as aforesaid, shall be liable to a Penalty not exceeding Five Pounds: and the Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Commissioners for that Purpose, may and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcass, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcass, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to the Chairman of the Commissioners, upon the Evidence of a competent Person, that any such Animal, Carcass, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be

so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcass, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Five Pounds for every Animal or Carcass, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, and as to which such Magistrate shall be satisfied that it was intended for the Food of Man.

and against Sale of adulterated Food.

XLIX. If any Person shall sell or expose for Sale any adulterated Butter, Meal, Bread, or other Article of Food, knowing the same to be adulterated, such Person so offending shall, upon Conviction before a Justice, for every such Offence be liable to a Penalty not exceeding Forty Shillings, and such adulterated Article shall be forfeited, and disposed of as the Chairman of the Commissioners shall direct; and it shall be lawful for such Chairman on the Application of the Inspector of Nuisances, or other Officer acting under this Act, setting forth that he has received Information and has just Cause to believe that any adulterated Article of Food is in the Possession of any Person for the Purpose of being disposed of, to grant Warrant to enter upon the Premises of such Person, and to search for and seize such Article of Food, and to forfeit and dispose of the same as to him shall seem proper.

Offensive Trades newly established to be subject to the Regulation of Commissioners.

L. The Business of a Blood-boiler, Bone-boiler, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Town without the Consent of the Commissioners; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

And with respect to the lighting of Towns, be it enacted as follows:

Commissioners may contract for lighting Streets.

Price to be paid for Gas to be ascer-

LI. The Commissioners may contract for any Period not exceeding Three Years at any One Time with the Owners of any Gasworks, or with any other Person, for the Supply of such Gas or Oil, or other Means of lighting, and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting the Streets of the Town; and if the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply

Gas

Gas within the Town, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of disputed Compensation by Arbitration, shall be incorporated with this Act.

tained in case of Dispute.

And with respect to the Supply of Water, be it enacted as follows:

Incorporation Clause.

LII. The One hundred and twenty-fourth Clause of "The Towns Improvement Clauses Act, 1847," shall be incorporated with and form Part of this Act, and the Commissioners may provide the Town from within or without the Boundaries of such Town with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes or any of them the Commissioners may from Time to Time contract with any Person whomsoever, or with any Company, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Roads and Streets from Time to Time, for the Purpose of laying down, altering, or repairing Water Pipes therein; and the Commissioners may provide and keep a Supply of pure and wholesome Water, and may lay on at such Pressure as will carry the same to the Top Story of the highest Dwelling House within the Town: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits in respect of which any Waterworks Company shall have been established, the Commissioners shall give Notice in Writing to every such Waterworks Company, or private Owner or Owners of such Waterworks, stating the Purposes for and the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits so long as any such Company, or Owner or Owners as aforesaid, shall lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company, or Owner or Owners as aforesaid, are willing to supply is proper and sufficient for the Purposes for which it is required, or whether the Purposes for which it is required are reasonable, the same shall be settled on an Appeal in manner aforesaid (but without any Recognizance) by either Party to the Assistant Barrister, whose Decision shall be final: Provided always, that it shall not be lawful for the Commissioners to take or use any Water, Cistern, Pump, Well, Conduit, or Waterwork without having obtained the Consent in Writing of the Owner or Owners thereof.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c. if any Waterworks Company within the Town be able and willing to supply Water upon Terms.

LIII. Where

Service Pipes to be laid by Owners.

LIII. Where the Commissioners are able and willing to supply the Houses or Tenements within the Town with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street or Place within the Town shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Street or Place not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter upon such Houses or Premises, and proceed to lay down such Service Pipes themselves, and to recover the Expense thereof from such Owner in the same Manner as Damages; and no Person within the Town shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Town, it shall be lawful for the Commissioners to contract with any Person or Persons within the Town to supply any Public Baths and Wash-houses, Works, Manufactories, or other Premises within the Town with Water, at such Rate and upon such Terms and Conditions as may be agreed on; or in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed on an Appeal in manner aforesaid (but without any Recognizance) by either of the Parties to the Assistant Barrister, whose Decision shall be final; and when the Main Pipes of the Commissioners have been laid down in any Town or Borough, it shall be lawful for the Owners of and other Persons interested in any House or Tenement situate without the Limits of such Town or Borough, at their own Expense, to lay down Main Pipes and Service Pipes, and to connect the same with the Main Pipes of the said Commissioners, such Connexion to be made under the Superintendence and to the Satisfaction of the Engineer for the Time being to the said Commissioners; and when and so soon as such Connexion shall have been made and completed, the said Commissioners shall supply such House or Tenement with Water for domestic Purposes at a Rate not exceeding that which shall be assessed upon the Houses and Tenements within any such Town or Borough; and it shall be lawful for the Commissioners to make Byelaws regulating all or

Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners

Commissioners may make Bye-

or any Matters and Things whatsoever connected with the Water to be supplied within or without the Town through their Pipes.

laws in reference to Water.

LIV. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste-pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully divert or take Water from any Waterworks belonging to or under the Control of the Commissioners, or from any Waters by which such Waterworks are supplied, or shall wilfully or negligently waste any Water with which he is supplied by the Commissioners, shall for every such Offence forfeit a Sum not exceeding Two Pounds, and a further Penalty not exceeding Ten Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners; and whosoever shall bathe in any Stream, Reservoir, or other Waterworks belonging to or under the Control of the Commissioners, or shall wash, throw, or cause to enter therein any Animal, Rubbish, or Thing of any kind, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners, or under their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding Two Pounds, and a further Sum not exceeding Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf, which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas, whereby the Water in any such Stream, Reservoir, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence a Sum not exceeding One hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum not exceeding Ten Pounds for every Day during which the Offence is continued; and if any Water belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Ten Pounds, and a further Sum not exceeding Five Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf; and for the Purpose of ascertaining

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

Penalties on Persons for causing Water in Reservoirs to be fouled;

and on Proprietors of Gasworks, &c.

taining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from the Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be recovered by the Law of *Ireland;* but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the general Assessments levied under this Act, and be recoverable from them upon summary Proceeding by Civil Bill or otherwise, as any Debt may be recovered by the Law of *Ireland.*

And with respect to Things to be done by the Commissioners by special Order only, and with respect to Clocks, and with respect to Entry by the Commissioners or their Officers in execution of this Act, and with respect to ensuring the Execution of the Works by this Act required to be done by the Owners or Occupiers of Houses or Lands, be it enacted as follows:

Special Order; Clocks; Entry of Commissioners; Execution of Works

LV. So much of "The Towns Improvement Clauses Act, 1847," as relates to Things to be done by the Commissioners by special Order only, and so much thereof as relates to Clocks, and so much thereof as relates to Entry by the Commissioners or their Officers in execution of the Act, and so much thereof as relates to ensuring the Execution of Works required to be done by the Owners or Occupiers of Houses or Lands, shall be incorporated with and form Part of this Act.

And with respect to the Sale of Gunpowder, be it enacted as follows:

Regulations as to Gunpowder.

LVI. No Gunpowder shall be sold within the Town by Candle or other artificial Light, under a Penalty not exceeding One Pound for each Offence; and no Person shall keep at any Time more than Ten Pounds Weight of Gunpowder, except by special Permission of the Commissioners, signed by the Chairman and Two of the said Commissioners, and under such Regulations for its safe Custody as they may approve and determine, under a Penalty for the First Offence of any Sum not exceeding One Pound, for the Second Offence not exceeding

exceeding Three Pounds, and for the Third or any subsequent Offence not exceeding Five Pounds, besides Forfeiture of all the Gunpowder which shall be found exceeding the aforesaid Weight; and the aforesaid Quantity of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound to be paid for each Offence by the Occupier of the Premises in which such Quantity not so kept and secured as aforesaid shall be found: Provided always, that nothing herein contained shall apply to any Quantity of Gunpowder provided for Military or Constabulary Purposes.

And with respect to the Byelaws to be made by virtue of this Act, be it enacted as follows:

Byelaws to be confirmed.

LVII. So much of "The Towns Improvement Clauses Act, 1847," and of "The Commissioners Clauses Act, 1847," as relates to the Byelaws to be made by virtue of said Acts, shall, save as next herein provided, be incorporated with and form Part of this Act: Provided that no Byelaw made by the Commissioners under the Authority of this Act shall come into operation until the same be confirmed by the Lord Lieutenant, who is hereby empowered to inquire into any Byelaws tendered for that Purpose, and to allow or disallow of the same as he may think meet; provided also, that no such Byelaws be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Town (if any), or otherwise in some Newspaper circulating in the County in which the Town is situated, One Month at least before the making of such Application; and any Person desiring to object to any such Byelaw, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the making of the Application for the Allowance thereof, may transmit to the Lord Lieutenant a Memorial containing the Grounds of such Objection; and if such Byelaws should be thereupon confirmed, in the whole or in part, the Order for such Confirmation, in the whole or in part, shall be signed under the Hand of the Chief or Under Secretary of the Lord Lieutenant, of which Order a Copy shall be published in One or more such Newspapers as aforesaid, and such Publication shall be deemed Evidence of such Byelaws.

Notice of Confirmation to be given.

And with respect to the Contracts to be entered into, and the Deeds to be executed by the Commissioners, be it enacted as follows:

Incorporation Clause Contracts.

LVIII. So much of "The Commissioners Clauses Act, 1847," as relates to the Contracts to be entered into, and the Deeds to be executed by the Commissioners, shall be incorporated with and form Part of this Act.

And with respect to the Appointment and Accountability of the Officers of the Commissioners, other than those herein-before provided for, be it enacted as follows:

Clerk, Treasurer, Collector, &c.

LIX. So much of "The Commissioners Clauses Act, 1847," as relates to the Appointment and Accountability of the Officers of the Commissioners, save as herein next provided, shall be incorporated with and form Part of this Act: Provided that the Commissioners shall in all Cases appoint some Bank or Banking Company to act as their Treasurer, and that it shall not be necessary to require from such Bank or Banking Company any Security for the due Execution of such Office as required by said Act; provided also, that the Drafts to be drawn on said Bank on account of said Commissioners shall be drawn at a Meeting of the Commissioners, and there signed by the Chairman of the Meeting and by Two other Commissioners, and no Drafts on the said Account shall be drawn for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

How Drafts to be drawn.

And with respect to General Assessments under this Act, be it enacted as follows:

Commissioners to make Assessment for the Purposes of this Act.

LX. Once in each Year the Commissioners shall assess all Occupiers of Premises within the Town, and the Boundaries thereof as before determined on and declared and settled, rated in respect of such Premises under the Acts for the Relief of the Destitute Poor in the Sums necessary to be levied for the Purposes of this Act, other than by way of Private or District Assessments, and shall fix a Day, not being less than One Month from the Date of laying on such Assessment, on which the same shall be payable; and the Rate of Assessment, and Day so fixed by the Commissioners, shall be published by Handbills posted in the Town, and by Advertisement in any Newspaper or Newspapers published therein (if any), or otherwise in some Newspaper or Newspapers published nearest to such City or Town: Provided that such Assessment other than Private and District Assessments shall not in any Year exceed the Rate of One Shilling and Sixpence in the Pound where the Enactments of this Act with respect to Water have been adopted, or the Rate of One Shilling in the Pound where such Enactments with respect to Water have not been adopted; provided that all unoccupied Houses, Tenements, or Premises, being at the Time of such Assessment unproductive to the Lessors or Landlords thereof, shall be exempt from Taxation under this Act during the Period that such Premises are so unoccupied and unproductive, and no longer.

LXI. The

LXI. The Clerk of the Union shall, on the Requisition of the Commissioners, produce the Rate Book of the Union, and the said Commissioners shall annually cause to be made up a Book of Assessment, to be signed by the Chairman and Two others of the Commissioners, showing the net annual Value of the whole Premises in the Town under the Poor Law Valuation liable to be assessed under this Act, and according to which the Assessments under this Act are intended to be levied; and such Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Clerk; and the Commissioners shall have Power to rectify any Mistake or Error, upon the ground of any Variance from the last Assessment for Poor Rates, or on the ground of any Change of Occupation of Premises since such last Assessment for Poor Rates; and in each Year a Copy of the said Book of Assessment, as finally adjusted by the Commissioners, signed by the Chairman and Two Commissioners, and countersigned by the Clerk, shall be delivered over to the Collector, as the Rule for levying and collecting the annual Assessment under this Act, and shall be deemed to be Evidence of each and every separate Assessment for the Purposes of this Act.

Assessment Book to be made up, and Objections how to be entered and disposed of by the Commissioners.

Copy of Assessment Book to be given to Collector.

LXII. For the Purpose of any Rate to be made or levied under the Provisions of this Act or of any Act incorporated herewith, all Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands, or Market Gardens, or Nursery Grounds, and all Lands covered with Water and used as a Canal, and any Towing-path to the same, and all Lands used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed and liable in the Proportion of One Fourth Part only of the net annual Value of such Lands respectively.

Rating of Railways and Canals.

LXIII. If any Person so rated and assessed as aforesaid shall refuse or neglect to pay the Assessment charged upon him for the Space of Ten Days next after the same shall be due and demanded by the Collector, it shall be lawful for the Collector to levy the same by Distress and Sale of any Goods and Chattels of such Person which may be found either on the Premises chargeable, or on any Premises within the Town rented or possessed by the Person so assessed, rendering to the Owner of such Goods and Chattels the Overplus (if any) after deducting the Expenses of distraining, not exceeding Twelvepence in the Pound on the Sum for which such Distress may have been made; or in case the Collector shall not think it expedient to proceed by Distress, then it shall be lawful for him to leave at the Dwelling House of the Party chargeable for or in respect of such Premises a Notice, bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment

Assessment may be levied by Distress and Sale, or upon a Complaint to be made to a Justice, who shall summon the Party

ment of the Sum applotted within Ten Days from the Date of such Notice, and expressing that within Ten Days the Money demanded may be paid to the Collector at his House or Office; and if such Money be not so paid within such Time, then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace having Jurisdiction in such Town, and such Justice shall summon the Party so complained against to appear before him, or any other Justice of the Peace sitting in Petty Sessions, and answer the said Complaint, and shall, at the Time specified in such Summons, examine into the Matter of such Complaint on Oath, and shall direct the Payment to such Collector of such Money as he shall find due and payable under such Assessment by the Party complained against, together with a Sum certain for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Party, or upon his or her Refusal or Neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace having Jurisdiction in such Town, to issue his Warrant authorizing and empowering the said Collector to levy the Money thereby ordered to be paid, by Distress and Sale of any Goods or Chattels of the Party so complained against, which may be found within the Town, rendering the Overplus (if any) to him or her, the necessary Charges and Expenses of distraining being thereout first deducted, as directed by such Justice; and the Collector shall be bound to preserve the Warrants of such Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to any such Justice of anything done unjustly or oppressively in regard of such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Justice shall be final; or otherwise the Collector shall be and he is hereby authorized and empowered to sue for and recover all or any Part of such Assessment in arrear by Personal Action or by Suit before the Civil Bill Court of the Assistant Barrister having Jurisdiction in that Behalf as to such Town, or otherwise according to Law; and no Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of any Assessment under this Act shall prejudice the Recovery of such Assessment and Expenses, nor shall such Proceedings abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector

In default of Appearance, Goods of Party may be distrained.

Power to proceed by Action or Suit.

Collector for the Time to prosecute and follow forth Proceedings commenced and carried on in the Name of any previous Collector in all respects as if such Proceedings had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment under this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable to Payment of such Assessment under the Provisions of this Act.

Immediate Lessors of Property of less Value than 4*l.*, to be assessed for the same.

LXIV. Whenever the net annual Value of the rateable Hereditaments in any such Town actually occupied by any Person or Persons shall not exceed Four Pounds the Assessment under this Act in respect of such Property shall be made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any such Assessment the Name of the immediate Lessor be not accurately known to the Persons making the Assessment, it shall be sufficient to describe him therein as "the Immediate Lessor," with or without any Name or further Addition, and such Assessment shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein: Provided, that wherever any Occupier shall claim to be and shall be accordingly rated to the Relief of the Poor although the net annual Value of the rateable Hereditaments occupied in any Town by such Person shall not exceed Four Pounds, the Assessment under this Act shall be made upon the Person so claiming to be rated to the Relief of the Poor.

Recovery of Assessment from Lessors by Action or Civil Bill, or by Warrant of Distress.

LXV. Any Assessment made as aforesaid on any Lessor shall be recovered from him by Personal Action in the Name of the Clerk of the Commissioners, and, by their Direction, against such Lessor in any of the Superior Courts of Record in *Dublin*, or by Civil Bill in the Court of proper Jurisdiction; or, where such Lessor resides within such Town, the Collector may leave at the Dwelling House of such Lessor such a Notice as herein-before provided requiring Payment of the Assessment within Ten Days; and if such Assessment be not paid within such Time, the same may be recovered upon a Complaint before a Justice, and by Distress and Sale, under the Warrant of a Justice, of the Goods of such Lessor, in manner herein-before provided as to Assessments; and if a sufficient Distress of the Goods and Chattels of such Lessor cannot be found within such Town, then

on Oath thereof made before any Justice of the Peace of any County in which any of the Goods and Chattels of such Lessor may be found, the Goods or Chattels of such Lessor shall be subject and liable to such Distress and Sale in such County where the same may be found, and may by virtue of such Warrant be distrained and sold in the same Manner as if the same had been found within such Town; and if such Assessment be not paid by such Lessor within Four Months after the making thereof, it shall be lawful for the Collector, by Direction of the Commissioners, to give a Notice in Writing as aforesaid to the Occupier or respective Occupiers for the Time being of any such Property to pay the Assessment due in respect of the Property in his or their Occupation; and after the Expiration of One Calendar Month from the Time of giving such Notice it shall be lawful to recover such last-mentioned Assessment from every such Occupier, or, in his Default, from any subsequent Occupier of the Premises; and every such Occupier so paying such Assessment may deduct from the Rent he may be then or next thereafter liable to pay in respect of any such Property the whole of any such Assessment he may have paid in respect of the same Property; and if Rent sufficient to cover such Assessment be not then or do not thereafter become due from such Occupier, he shall be entitled to recover the same from such Lessor by Civil Bill; and so much of "The Towns Improvement Clauses Act, 1847," as relates to the Manner of making Rates, shall be incorporated with and form Part of this Act.

If Assessment be not paid by the Lessor, it may be recovered from the Occupier, who may deduct it from Rent.

And with respect to Private and District Assessments for Sewers, Drains, and Private Improvements, be it enacted as follows:

Private Assessments.

LXVI. So much of "The Towns Improvement Clauses Act, 1847," as relates to Rates directed to be made for Sewers, Drains, and Private Improvements shall be incorporated with and form Part of this Act; and the said Commissioners shall cause to be made up a Book of Assessment applicable thereto, and the same or a Copy thereof, signed by the Chairman and any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Assessments; and thereupon the several Provisions of this Act in reference to the Recovery of any other Assessments by this Act authorized shall apply to and be available for the Recovery of such Private and District Assessments.

Recovery thereof.

And with respect to the Appeal to be made against any Private or District Assessment, be it enacted as follows:

How Objections to be entered and disposed of.

LXVII. The Commissioners shall appoint a Day on which every Assessment shall be payable, and another Day on which Objections by any Parties complaining that they have been improperly assessed may

may be lodged with the Clerk, and another Day or Days, at an Interval of One Week at the least respectively, on which Objections in reference to such Assessment shall be heard by the Commissioners; and Notice to each Party intended to be so assessed, stating the Particulars of the intended Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk through the Post Office at least Two Weeks preceding the Day which may be fixed for hearing the Objection of Parties; and the Commissioners may rectify or alter any Assessment as regards any Person assessed or liable to be assessed therefor, by whom an Objection may be taken by Letter to the Clerk, lodged with him on or before such Day for lodging Objections as the Commissioners shall have fixed as aforesaid: Provided, that it shall be lawful for any Person considering himself aggrieved by any Assessment to appeal from the Decision of the Commissioners to the Assistant Barrister at the General or Quarter Sessions for the Division, who shall hear and determine such Appeal, and make such Order thereupon, and as to the Costs thereof, as shall be just, and such Determination upon such Appeal shall be final.

And with respect to the Accounts to be kept by the Commissioners, be it enacted as follows:

Accounts.

LXVIII. So much of "The Commissioners Clauses Act, 1847," as relates to the Accounts to be kept by the Commissioners shall be incorporated with and form Part of this Act; provided that the Appeal thereby directed shall, in Towns adopting the Provisions of this Act, be brought before the Court of the Assistant Barrister, who shall hear and determine the same, and make such Order in respect thereof, and of the Costs thereby incurred, as shall be just, and such Determination shall be final.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted as follows:

Power to Commissioners to borrow Money for the Purposes of this Act but not beyond the fixed Rate of Assessment.

LXIX. It shall be lawful for the Commissioners, with the Approval of the Lord Lieutenant signified in Writing by the Chief Secretary or Under Secretary, to borrow, for the Purpose of procuring or erecting a Slaughter-house, or for erecting Lamps, or for constructing Common Sewers, or for procuring or supplying Water or Gas, or Fire Engines, or for any of the Purposes authorized by this Act, such Sums and at such Times, as the Commissioners shall deem necessary for such Purposes; provided, that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act, it shall be lawful for the Commissioners and they are hereby required, at their First Annual Meeting for Assessment after such borrowing, to assess all Persons within the Town liable in Assessment under this Act in such additional

tional Assessment as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners shall annually appropriate and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in the Stock of the Governor and Company of the Bank of *England* or *Ireland*, as a Sinking Fund, applicable and to be applied by the Commissioners to the Repayment of the Money borrowed, until the Debt shall be extinguished; provided that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rate of Assessment of One Shilling and Sixpence in the Pound allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, and until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the same is to be applied, in some Newspaper in Circulation within such Town; and provided also, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised without a further Estimate and Notice in manner above provided; and no Commissioner or Officer acting under them shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided; and, save as above provided, so much of "The Commissioners Clauses Act, 1847," as relates to Mortgages to be executed by the Commissioners shall be incorporated with and form Part of this Act.

And with respect to the Regulation of Towns, and to Obstructions and Nuisances in the Streets, and to the Suppression of Vagrants and Beggars, be it enacted as follows:

Power to prevent Obstructions in the Streets during public Processions, &c.

LXX. The Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Town in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when the Streets are thronged or liable to be obstructed, and may also give Directions to the Constables and Officers of the Constabulary Force for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

LXXI. It

LXXI. If any Cattle be at any Time found at large in any Street of the Town without any Person having the Charge thereof, any Constable or Officer of Constabulary, or any Person residing within the Town, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding Twenty Shillings besides the reasonable Expenses of impounding and keeping such Cattle; and if the said Penalty and Expenses be not paid within Three Days after such impounding, the Person appointed by the Commissioners for that Purpose may proceed to sell such Cattle, or cause the same to be sold; but previous to such Sale, then Three Days Notice of such intended Sale shall be given by posting such Notice on the Constabulary Barrack, Pound, and other Place (if any) which may be appointed by the Commissioners for that Purpose, and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Power to impound stray Cattle.

Power to sell stray Cattle for Penalty and Expenses.

LXXII. Every Person who in any Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall be liable to a Penalty for each Offence as herein-after mentioned; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Justice or Justices, any Person who within his View commits any such Offence; (that is to say,)

Penalty on Persons committing any of the Offences herein named.

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or Public Entertainment; or shoes, bleeds, or farries any Horse or Animals (except in Cases of Accident); or cleans, dresses, trains, or breaks, or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary), shall be liable to a Fine not exceeding Ten Shillings:

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal, shall be liable to a Fine not exceeding Ten Shillings:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who, after public Notice given by any Justice or Justices at Petty Sessions, Chief Magistrate, or Chairman of Commissioners, directing Dogs to be confined on account of Suspicion of canine Madness, suffers any Dog to be at large during the Time specified in such Notice, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who slaughters or dresses any Cattle, or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the public Safety or other reasonable Cause ought to be killed on the Spot, shall be liable to a Fine not exceeding Ten Shillings:

Every Person having the Care of any Waggon, Cart, or Carriage, who rides on the Shafts thereof; or who, without having Reins, and holding the same, rides upon such Waggon, Cart, or Carriage or on any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the left or near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the right or off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing the Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who at One Time drives more than Two Carts or Waggons, and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle, shall be liable to a Fine not exceeding Twenty Shillings:

Every Person who causes any Public Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal, or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other

other public Thoroughfare, shall be liable to a Fine not exceeding Twenty Shillings:

Every Person who causes any Tree or Timber, or Iron Beam, to be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same, shall be liable to a Fine not exceeding Twenty Shillings:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway, shall be liable to a Fine not exceeding Twenty Shillings:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing-place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over and along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground, shall be liable to a Fine not exceeding Twenty Shillings:

Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway, shall be liable to a Fine not exceeding Twenty Shillings:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway, shall be liable to a Fine not exceeding Twenty Shillings:

Every Person who places any Line, Cord, or Pole across any Street, or hangs or places any Clothes thereon, shall be liable to a Fine not exceeding Twenty Shillings:

Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution, or being otherwise offensive, shall be liable to a Fine not exceeding Forty Shillings:

Every Person who wilfully and indecently exposes his Person, or who commits any Act contrary to public Decency, shall be liable to a Fine not exceeding Forty Shillings:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any profane

profane or obscene Song or Ballad, shall be liable to a Fine not exceeding Forty Shillings:

Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door, or who wilfully and unlawfully extinguishes the Light of any Lamp, shall be liable to a Fine not exceeding Forty Shillings:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except building Materials so enclosed as to prevent Mischief to Passengers), shall be liable to a Fine not exceeding Ten Shillings:

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Nine in the Morning), shall be liable to a Fine not exceeding Ten Shillings:

Every Person who fixes or places any Flower Pot or Box, or other heavy Article, in any upper Window, without sufficiently guarding the same against being blown down, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail; or leaves defective the Door, Window, or other Covering of any Vault, Area, or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open; or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who throws or lays any Dirt, Dung, Litter or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street, or Sea Beach, or Strand within the Boundaries of a Town, or causes any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street:

Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who keeps any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who keeps any Swine in or near any Street, so as to be a common Nuisance, shall be liable to a Fine not exceeding Forty Shillings:

Every Person drunk in any Street or guilty of any riotous or indecent Behaviour in any Street, Police Office, or Petty Sessions Court, or any Police Station House within the Town, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Justice or Justices before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

Fire Engines may be provided and Firemen employed by the Commissioners.

LXXIII. The Commissioners may provide such Engines for extinguishing Fire, and such Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use, in case of Fire, and keep or hire such Horses for drawing such Engines as they think fit, and employ a proper Number of Persons to act as Firemen, and make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit; and the Commissioners may send such Engines, and the said Firemen, beyond the Boundaries of the Town, for extinguishing Fire in the Neighbourhood of the Town, and the Owner of the Premises shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, and for the Attendance of such Firemen; and the Amount of the said Expenses and Charges, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Justices at Petty Sessions, whose Decision shall be final; and the Amount of the said Expenses and Charges shall be recovered by the Commissioners as Damages.

Fire Police permitted to go beyond the Limits of the Town in certain Cases.

And with respect to Places of public Resort, be it enacted as follows:

Penalty on Victuallers entertaining

LXXIV. Every Victualler, or Keeper of any Public House, or Person licensed to sell fermented or distilled Liquors by Retail, to be drunk

Constables while on Duty.

drunk or consumed on the Premises, within the Town, who harbours or entertains in his Public House or Place wherein he carries on his Business any Constable during any Part of the Time for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings; and every Person keeping any Place of public Resort within the Town for the Sale or Consumption of Refreshments of any kind, who knowingly suffers common Prostitutes or reputed Thieves to assemble and continue in his Premises, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for harbouring disorderly Persons.

Penalty on Persons keeping Places for baiting Animals; and on Persons found therein.

LXXV. Every Person who within the Town keeps or acts in the Management of any House or Place for the Purpose of fighting, baiting, or worrying any Animals, shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Time not exceeding One Month; and the Commissioners may, by Order in Writing, authorize the Officer of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequence to which he is liable for the Nuisance thereby occasioned.

Penalty against Swindlers, &c.

LXXVI. And be it enacted, That all Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or who shall induce any Person to play at any Game of Hazard, or who by any fraudulent Art or Device shall cozen, cheat, or attempt to cozen or cheat any Person, may be convicted before a Justice on the Testimony of One or more Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Thirty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may under the same Procedure be committed to or detained in Prison for any further Term not exceeding Thirty Days.

And with respect to public Bathing, be it enacted as follows:

Bathing Machines and Bathing.

LXXVII. Where any Part of the Seashore or Strand of any River used as a public Bathing Place is within the Town, the Commissioners

sioners may make Byelaws for the following Purposes; (that is to say,)

For fixing the Stands of Bathing Machines on the Seashore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

And with respect to Hackney Carriages, be it enacted as follows:

What to be Hackney Carriages

LXXVIII. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within Four Miles from the Post Office of the Town, and every Carriage standing upon any Street within such Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act: and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Hackney Carriages to be licensed.

Fee to be paid for Licences.

Persons applying for Licence to sign a Requi-

LXXIX. The Commissioners shall from Time to Time license to ply for Hire, within such prescribed Distance, such Hackney Coaches or Carriages, of any Kind or Description adapted to the Carriage of Persons, as shall be necessary; and for every such Licence there shall be paid to the Clerk, or other Person appointed by them to receive the same, such Sum as the Commissioners direct, not exceeding Five Shillings: Provided that before any such Licence is granted, a Requisition for the same, in such Form as the Commissioners may provide for that Purpose, shall be made and signed by the

sition for same.

the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence and of every Proprietor or part Proprietor of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, shall be liable to a Penalty not exceeding Five Pounds.

What shall be specified in the Licence.

LXXX. In every such Licence shall be specified the Name and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, and also the Number of such Licence which shall correspond with the Number to be painted or marked on the Plates or Marks to be fixed on such Carriage, together with such other Particulars as the Commissioners think fit; and every Licence so to be granted shall be signed by Two or more of the Commissioners, and shall not include more than One Carriage so licensed, and shall be in force from One Year only from the Day and the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Commissioners; and every such Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage; and any Person may at any reasonable Time inspect such Book without Fee or Reward; and if the Proprietor or part Proprietor of any Carriage permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence for such Carriage, or during the Time that such Licence is suspended as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance for which such Licence ought to be, but has not been, previously obtained, or without having the Number of such Carriage openly displayed on such Carriage, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Licence to be in force for One Year only.

Licences to be registered.

Penalty for plying for Hire without a Licence.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

LXXXI. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Commissioners, specifying in such Notice

Notice his new Place of Abode; and he shall at the same Time produce such Licence at the Office of the Commissioners, who shall, by their Clerk, or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as the Proprietor or One of the Proprietors of any Hackney Carriage, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, as directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

Drivers not to act without first obtaining a Licence.

LXXXII. No Person shall act as Driver of any Hackney Carriage licensed in pursuance of this Act, without first obtaining a Licence from the Commissioners, which Licence shall be registered by the Clerk to the Commissioners, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended as after mentioned; and if any Person acts as such Driver without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings; and the Commissioners may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Penalty on Drivers acting without Licence.

Licences to be suspended or revoked for Misconduct.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

LXXXIII. No Hackney Carriage shall stand or ply for Hire within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in Form following, (that is to say,) "To carry Persons," be printed on some conspicuous Place on the Outside of such Carriage, in legible Letters, so as to be clearly distinguishable from the Ground whereon the same are painted; and the Driver of any Hackney Carriage shall not be required to carry a greater Number of Persons than the Number painted thereon, and if the Proprietor of any Hackney Carriage permit the same to be used, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted in manner aforesaid, or if the Driver of any Hackney Carriage refuse, when required by the Hirer thereof, to carry in or by such

Penalty for Neglect or for Refusal

to carry the prescribed Number

Penalty on Driver for refusing to drive.

Hackney Carriage such Number of Persons, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings; and any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages, or in any Street, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Commissioners, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare

Agreement to pay more than the legal Fare not to be binding.

Sum beyond the proper Fare may be recovered back.

Overcharge by the Hackney Coachmen, &c., to be included in Conviction, and returned to aggrieved Party.

LXXXIV. If the Proprietor or Driver of any Hackney Carriage agree beforehand with any Person to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon; and no Agreement whatever made with the Driver, or with any Person having the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse to pay any Sum beyond the Fare allowed; and if any Person actually pay to the Driver of any Hackney Carriage any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Justice, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess, or of Payment of the said Penalty, the Justice shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid; and every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding Forty Shillings, and such Penalty may be recovered before a Justice; and in the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

Penalty on Drivers misbehaving

LXXXV. If the Driver or any other Person having the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs,

Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Justice before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months; and any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings; and in every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to hire, the Justice before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum not exceeding Five Pounds as appears to such Justice a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Improperly standing with Carriage, refusing to give way to, or obstructing any other Driver, or depriving him of his Fare.

Damage done by Driver may be recovered from the Proprietor.

LXXXVI. If the Driver of any Hackney Carriage leave it in any Street, or at any Place of public Resort or Entertainment, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, or any of them, shall be sold by Order of the Justice before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Justice as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Penalty for leaving Carriages unattended at Places of public Resort.

LXXXVII. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before a Justice as a Penalty; and any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to

Penalty for refusing to pay the Fare.

Penalty for damaging Carriages.

the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justice before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty

Commissioners may make Byelaws for regulating Hackney Carriages.

LXXXVIII. The Commissioners may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; (that is to say,)

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and for regulating the Conduct of the Owners and Boatmen of Boats plying for Hire, and determining whether such Drivers and Boatmen shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages and Boats, and in what Manner such Number is to be shown on such Carriage and Boats, and what Number of Horses or other Animals is to draw such Carriage, and the placing of Check-strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages and Boats are to be furnished or provided:

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages and Boats plying for Hire for the Carriage of Passengers within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages and Boats, and fixing the Charges to be made in respect thereof:

For licensing Porters, and regulating their Fares.

Commissioners may appoint Watchmen

LXXXIX. It shall be lawful for the Lord Lieutenant of *Ireland*, on the Application of the said Commissioners, to increase the Constabulary Force stationed in such Town to act as Watchmen within such Town by Night, and also, upon any special Occasions, by Day, as they may be required by the Commissioners, or any Three of them; and the said Commissioners shall provide a Watch-house and all necessary Articles for such watching, and pay out of the General Assessments, upon the Certificate of the Receiver for the Constabulary Force

Force in *Ireland*, such proper Salaries and Wages for such additional Constables as shall be fixed by the said Lord Lieutenant; and it shall be lawful for such Constables and all other Constables to apprehend all such idle and disorderly or drunken Persons as they or any of them shall find committing any Breach of the Peace or making any improper Noise or Disturbance during the Night, or during their Watch, and to detain any such Persons till Morning, and then, or if apprehended by Day, as soon as conveniently may be, to take such Person or Persons before any Justice of the Peace for or acting in the Borough, Town, or Place, to be dealt with according to Law; and if any Victualler, Publican, or other Person or Persons selling Beer or Spirituous Liquors shall entertain or harbour in his, her, or their House any such Constable during his appointed Hours of Duty, such Victualler, Publican, or other Person or Persons shall forfeit for such Offence any Sum not exceeding Twenty Shillings.

Powers of Constables.

Penalty for harbouring Constables during the Hours of Duty.

And with respect to legal Proceedings, be it enacted as follows:

XC. In all Cases in which the Amount of any Damages, Costs, and Expenses is by this Act directed to be ascertained or recovered in a summary Manner, the same may be ascertained by and recovered before One or more Justices, together with such Costs of the Proceedings as the said Justice or Justices may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made, the same may be levied by Distress and Sale of his Goods and Chattels by Warrant under the Hands and Seals of the said Justice or Justices making the Adjudication; and any Penalty imposed by or under the Authority of this Act, or any Bye-law made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before One or more Justices, together with such Costs of the Proceedings as they may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels by Warrant under the Hands and Seals of the said Justice or Justices making the Adjudication; and such Justice or Justices may order that any Offender convicted as last aforesaid be detained and kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day appointed by the Return, such Day not being more than Eight Days from the Time of taking the Security; and if before issuing such Warrant, or upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justice or Justices that no sufficient Distress

Recovery of Damages, &c.

can

can be had within their Jurisdiction, such Justice or Justices may, by Warrant under their Hands and Seals, cause the Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid.

Mode of proceeding before Justices.

XCI. In proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of Proceeding is not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom the Matter is to be determined, at a Time and Place to be named; and upon the Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses, on Oath; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall he be a Trespasser *ab initio* on account of any Irregularity afterward committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case; and the Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction to be drawn up according to the Form and Directions contained in the Schedule (C.) annexed to this Act, or to the like Effect; and any Conviction so drawn up shall be valid and effectual; and Justices of the Peace, being Commissioners or liable to Assessment under this Act, may, if acting in Petty Sessions, notwithstanding their being such Commissioners, exercise the Jurisdiction vested in them as such Justices under this Act. Every Person who, upon any Examination upon Oath under the Provisions of this Act, shall wilfully give false Evidence, shall be liable to Punishment for Perjury.

Distress how to be levied;

not unlawful for Want of Form.

Form of Conviction.

Justices, though Commissioners under this Act, may act under this Act.

Penalty on Persons giving false Evidence.

Common Informers not to sue without Consent of Attorney General.

XCII. No Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be taken by any Person other than by a Party grieved, or the Commissioners, without the Consent in Writing of Her Majesty's Attorney General first had and obtained; and no such Penalty shall be recovered unless Proceedings for the

Proceedings for Penalties

Recovery

Recovery thereof shall have been commenced within Six Calendar Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and One Half of such Penalty shall go to the Informer, and the Remainder to the Commissioners; and if the Commissioners be the Informers, they shall be entitled to the whole of the Penalty recovered; and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer, and shall be placed to the Credit of the General Assessments Fund for the Purposes of this Act, any Act or Acts to the contrary notwithstanding, and notwithstanding the Liability of any Person to any Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed.

to be taken within Six Months.

Application of Penalties.

Liability to Penalty not to relieve from other Liabilities.

XCIII. Any Person who shall think himself aggrieved by any Order, Conviction, Judgment, or Determination of, or by any Matter or Thing done by, any Justice or Justices, under the Provisions of this Act, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of Twenty Shillings, may appeal to the Court of General or Quarter Sessions for the respective Division or Place holden next after the Accrual of the Cause of Complaint; but the Appellant shall not be heard in support of the Appeal, unless within Fourteen Days after the Accrual of the Cause of Complaint he give to the Clerk of the Commissioners and to the Justice or Justices by whose Act he may think himself aggrieved Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination shall be conclusive and binding on all Persons to all Intents and Purposes whatsoever; provided that if there be not Time to give such Notice before such Sessions holden as aforesaid, then such Appeal may be made to and such Notice and Statement given for the next Sessions for the respective Division or Place at which the Appeal can be heard: Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Appeal to Quarter Sessions.

XCIV. The Commissioners may sue and be sued in the Name of the Clerk for the Time being for or concerning any Contract, Matter, or Thing relating to any Property, Works, or Things vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done by them under the Provisions of this Act; and in Proceedings by or on the Part of such Commis-

Actions, &c. in Name of Clerk.

Mode of describing

sioners

Property of Commissioners.

sioners against any Person for stealing or wilfully injuring or otherwise improperly dealing with any Property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all legal Proceedings by or on the Part of or against such Commissioners under this Act may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Commissioners, by Death, Resignation, or otherwise; Provided that the Clerk in whose Name any such Action, or Suit, Complaint, Information, or Proceeding may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the general Assessments to be levied under this Act all such Costs, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

Actions, &c. not to abate.

Clerk to be reimbursed Expenses and Costs.

Notice of Action.

XCV. No Writ of Summons and Plaint shall be sued out against or served upon the Commissioners or any of them, or their Clerk, or other Officer or Person whomsoever acting under the Direction of the Commissioners, for anything done or intended to be done under the Provisions of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and it shall be a sufficient Defence for the Defendant to allege that he did what is complained of under the Provisions of this Act, and to give this Act and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted may plead such Tender as a Defence, and if upon Issue joined the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly.

Limitation of Actions.

Venue.

General Issue.

Tender of Amends, &c.

XCVI. No

XCVI. No Rate nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other Matter or Thing whatsoever, made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts.

No Rate or Proceeding to be quashed for Want of Form, &c.

XCVII. No Matter or Thing done or Contract entered into by the Commissioners, nor any Matter or Thing done by any Commissioner, or by any Officer or Person whomsoever acting under the Direction of the Commissioners, shall, if the Matter or Thing were done, or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Commissioner, Officer, or Person acting as last aforesaid shall be borne and repaid out of the general Assessments levied under the Authority of this Act.

Persons acting in execution of Act not to be personally liable.

XCVIII. When this Act shall be adopted in whole or in part in any Town which had previously adopted it in whole or in part, the Powers and Provisions of the said Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, or in any Town or Place which had previously possessed a Local Act or Acts as aforesaid, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and all Assessments imposed or to be imposed under and by virtue of such first-mentioned Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor under such Local Act or Acts; and the Officers appointed under and employed on the First of *January* One thousand eight hundred and fifty-four, in the Execution of such first-mentioned Act and of such Local Act or Acts, shall continue to be employed under the Provisions of this Act so far as possible in Offices of an analogous Nature, until they are respectively superseded or removed for Insufficiency, or for other good or sufficient Cause.

Bonds, Contracts, &c., under former Act to be saved;

and Officers in Office to continue until removed.

XCIX. That the Public Libraries Act, 1850, and an Act passed in a Session held in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act to extend the Public Libraries Act*, 1850, *to* Ireland *and* Scotland, shall be incorporated with and read as Part of this Act, and the Chairman of the Town Commissioners for the Time being shall exercise the Powers

Public Libraries Acts 1850 and 1853 incorporated with this Act.

and perform the Functions appointed by the said recited Acts to be exercised and performed by the Mayor, and the Town Commissioners shall have the Powers thereby conferred on Town Councils; and the Parties entitled to vote under said Act shall in *Ireland* be the Parties entitled to vote at the Meeting convened for the Adoption of this Act, as herein-before provided; and the Commissioners, when such Acts for the Establishment of Libraries shall be adopted, shall have the general Management, Regulation, and Control of such Libraries, and may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Maps, and Specimens of Art and Science, for the Use of such Libraries.

Act to extend only to Ireland, but not to affect certain Cities.

C. This Act shall extend only to *Ireland;* and nothing herein contained shall extend to or affect the Cities of *Dublin*, *Cork*, *Limerick*, and *Londonderry*, and Town of *Belfast*.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

City [or Town] of } NOTICE is hereby given, That in virtue of the Powers contained in an Act of Parliament passed in the Session holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, intituled "The Towns Improvement (Ireland) Act, 1854," and by the Order of the Lord Lieutenant of Ireland in that Behalf, bearing Date the Day the rated Occupiers and Lessors herein-after mentioned of Premises of the net annual Value of Eight Pounds and upwards in the City [*or* Town] of [*or where the Boundaries have been ascertained by the Lord Lieutenant's Order under this Act*, within the Boundaries following, viz., *repeat them as in the said Order*], are hereby required to meet upon the Day of next, at of the Clock, within [*state exact Place of Meeting*], when the said Act shall be laid before the Meeting, with the view of adopting it in whole or in part; that is to say, the rated Occupiers and Lessors following are required to meet as aforesaid, viz.: Every Male Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor (rated for such Premises to the Relief of the Poor) of any Lands, Tenements, or Premises within the said [City *or* Town], or within such Boundaries as aforesaid, and shall have been so rated in respect of such Premises for the Period of Months preceding the said Day of Meeting, and shall have paid all such Poor Rates as shall have become payable by him in respect of such Premises, except such as shall have become payable within Months preceding such Day of Meeting.

Dated at the Day of 18 .

(Signed)
E.F., Chief Magistrate,
or Justices [*as the Case may be*].

SCHE-

SCHEDULE (B.)

Form of the Book to be used in the Elections of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Signatures of Electors.
1.			

SCHEDULE (C.)

Form of Conviction.

County of [*or*, Borough, *&c.*] to wit. } Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me [*or* us] One [*or* Two] of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*here describe the Offence generally, and the Time and Place when and where committed, in the Words of this Act, or as near thereunto as may be*], contrary to "The Towns Improvements (Ireland) Act, 1854;" and I [*or* we] do adjudge that the said *A.B.* hath forfeited for his said Offence the Sum of [*Amount of Penalty adjudged*], and that he do pay to *C.D.* the further Sum of as and for his Costs in this Behalf.

Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.

(Signed) (L.S.)
(L.S.)

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. CIV.

An Act to amend and consolidate the Acts relating to Merchant Shipping. [10th *August* 1854.]

WHEREAS it is expedient to amend and consolidate the Acts relating to Merchant Shipping: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Preliminary.

1. This Act may be cited for all Purposes as "The Merchant Shipping Act, 1854." Short Title of Act.

2. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of certain Terms in this Act:

"Her Majesty's Dominions" shall mean Her Majesty's Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by any Charter or Licence from the Crown or Parliament of the United Kingdom:

"The United Kingdom" shall mean *Great Britain* and *Ireland:*

"*British*

Preliminary.

"*British* Possession" shall mean any Colony, Plantation, Island, Territory, or Settlement within Her Majesty's Dominions, and not within the "United Kingdom:"

"The Treasury" shall mean the Commissioners of Her Majesty's Treasury:

"The Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his Office:

"The Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"The *Trinity House*" shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *St. Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of the *Trinity House of Deptford Strond:*

"The Port of *Dublin* Corporation" shall mean the Corporation for preserving and improving the Port of *Dublin:*

"Consular Officer" shall include Consul General, Consul, and Vice Consul, and any Person for the Time being discharging the Duties of Consul General, Consul, or Vice Consul:

"Receiver" shall mean any Person appointed in pursuance of this Act Receiver of Wreck:

"Pilotage Authority" shall include all Bodies and Persons authorized to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage:

"Pilot" shall mean any Person not belonging to a Ship who has the Conduct thereof:

"Qualified Pilot" shall mean any Person duly licensed by any Pilotage Authority to conduct Ships to which he does not belong:

"Master" shall include every Person (except a Pilot) having Command or Charge of any Ship:

"Seaman" shall include every Person (except Masters, Pilots, and Apprentices duly indentured and registered,) employed or engaged in any Capacity on board any Ship:

"Salvor" shall, in the Case of Salvage Services rendered by the Officers or Crew or Part of the Crew of any Ship belonging to Her Majesty, mean the Person in command of such Ship:

"Person" shall include Body Corporate:

"Ship" shall include every Description of Vessel used in Navigation not propelled by Oars:

"Foreign-going Ship" shall include every Ship employed in trading or going between some Place or Places in the United Kingdom, and some Place or Places situate beyond the following Limits; that is to say, the Coasts of the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and

and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive: Preliminary.

"Home-trade Ship" shall include every Ship employed in trading or going within the following Limits; that is to say, the Unted Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive:

"Home-trade Passenger Ship" shall mean every Home-trade Ship employed in carrying Passengers:

"Lighthouses" shall, in addition to the ordinary Meaning of the Word, include Floating and other Lights exhibited for the Guidance of Ships, and "Buoys and Beacons" shall include all other Marks and Signs of the Sea:

"Wreck" shall include Jetsam, Flotsam, Lagan, and Derelict found in or on the Shores of the Sea or any Tidal Water.

3. This Act shall come into operation on the First Day of *May* One thousand eight hundred and fifty-five. Commencement of Act.

4. This Act shall not, except as herein-after specially provided, apply to Ships belonging to Her Majesty. Exemption of Her Majesty's Ships.

5. This Act shall be divided into Eleven Parts:— Division of Act.

The First Part relating to The Board of Trade: its general Functions:

The Second Part to British Ships: their Ownership, Measurement, and Registry:

The Third Part to Masters and Seamen:

The Fourth Part to Safety and Prevention of Accidents:

The Fifth Part to Pilotage:

The Sixth Part to Lighthouses:

The Seventh Part to the Mercantile Marine Fund:

The Eighth Part to Wrecks, Casualties, and Salvage:

The Ninth Part to Liability of Shipowners:

The Tenth Part to legal Procedure:

The Eleventh Part to Miscellaneous Matters.

PART I.

THE BOARD OF TRADE: ITS GENERAL FUNCTIONS.

6. The Board of Trade shall be the Department to undertake the general Superintendence of Matters relating to Merchant Ships and Seamen, and shall be authorized to carry into execution the Provisions of this Act, and of all other Acts relating to Merchant Ships and Seamen in force for the Time being, other than such Acts as relate to the Revenue. Board of Trade to be Department to superintend Merchant Shipping.

7. All

Functions of Board of Trade.

Certificates and Documents purporting to be sealed or signed in a given Manner to be received in Evidence.

7. All Documents whatever purporting to be issued or written by or under the Direction of the Board of Trade, and purporting either to be sealed with the Seal of such Board, or to be signed by One of the Secretaries or Assistant Secretaries to such Board, shall be received in Evidence, and shall be deemed to be issued or written by or under the Direction of the said Board, without further Proof, unless the contrary be shown; and all Documents purporting to be Certificates issued by the Board of Trade in pursuance of this Act, and to be sealed with the Seal of such Board, or to be signed by One of the Officers of the Marine Department of such Board, shall be received in Evidence, and shall be deemed to be such Certificates, without further Proof, unless the contrary be shown.

Board of Trade to issue Forms of Instruments

8. The Board of Trade may from Time to Time prepare and sanction Forms of the various Books, Instruments, and Papers required by this Act other than those required by the Second Part thereof, and may from Time to Time make such Alterations therein as it deems requisite; and shall, before finally issuing or altering any such Form, give such public Notice thereof as it deems necessary in order to prevent Inconvenience; and shall cause every such Form to be sealed with such Seal as aforesaid, or marked with some other distinguishing Mark, and to be supplied at the Custom Houses and Shipping Offices of the United Kingdom free of Charge, or at such moderate Prices as it may from Time to Time fix, or may license any Persons to print and sell the same; and every such Book, Instrument, and Paper as aforesaid shall be made in the Form issued by the Board of Trade, and sanctioned by it as the proper Form for the Time being; and no such Book, Instrument, or Paper as aforesaid, unless made in such Form, shall be admissible in Evidence in any Civil Proceeding on the Part of any Owner or Master of any Ship; and every such Book, Instrument, or Paper, if made in a Form purporting to be a proper Form, and to be sealed or marked as aforesaid, shall be taken to be made in the Form hereby required, unless the contrary is proved.

Certain Forms and Instruments to be exempt from Stamp Duty.

9. All Instruments used in carrying into effect the Second Part of this Act, if not already exempted from Stamp Duty, and all Instruments which by the Third, Fourth, Sixth, or Seventh Parts of this Act are required to be made in Forms sanctioned by the Board of Trade, if made in such Forms, and all Instruments used by or under the Direction of the Board of Trade in carrying such Parts of this Act into effect, shall be exempt from Stamp Duty.

Penalties for Forgery of Seal and

10. Every Person who forges, assists in forging, or procures to be forged, such Seal or other distinguishing Mark as aforesaid, or who fraudulently

fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Form issued by the Board of Trade, with the view of evading any of the Provisions of this Act or any Condition contained in such Form, shall for each Offence be deemed guilty of a Misdemeanor; and every Person who, in any Case in which a Form sanctioned by the Board of Trade is, by the Third Part of this Act required to be used, uses without reasonable Excuse any Form not purporting to be so sanctioned, or who prints, sells, or uses any Document purporting to be a Form so sanctioned knowing the same not to be so sanctioned for the Time being or not to have been prepared and issued by the Board of Trade, shall for each such Offence incur a Penalty not exceeding Ten Pounds.

Functions of Board of Trade.

fraudulent Alteration of Forms, and for not using Forms issued by Board of Trade.

11. Subject to the Provisions herein-after contained, all Fees and Payments (other than Fines) coming to the Hands of the Board of Trade under the Third and Fourth Parts of this Act, shall be carried to the Account of the Mercantile Marine Fund herein-after mentioned, and shall be dealt with as herein prescribed in that Behalf; and all Fines coming to the Hands of the Board of Trade under this Act shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Application of Monies and Fines paid to Board of Trade.

12. All Consular Officers, and all Officers of Customs abroad, and all Local Marine Boards and Shipping Masters, shall make and send to the Board of Trade such Returns or Reports on any Matter relating to *British* Merchant Shipping or Seamen as such Board requires; and all Shipping Masters shall, whenever required by the Board of Trade, produce to such Board or to its Officers all official Log Books and other Documents which, in pursuance of this Act, are delivered to them.

Returns to Board of Trade.

13. Every Officer of the Board of Trade, and every Commissioned Officer of any of Her Majesty's Ships on Full Pay, and every *British* Consular Officer, and the Registrar General of Seamen and his Assistant, and every Chief Officer of Customs in any Place in Her Majesty's Dominions, and every Shipping Master, may, in Cases where he has Reason to suspect that the Provisions of this Act or the Laws for the Time being relating to Merchant Seamen and to Navigation are not complied with, exercise the following Powers; (that is to say,)

Officers of Board of Trade, Naval Officers, Consuls, the Registrar General of Seamen, Officers of Customs and Shipping Masters, may inspect Documents and muster Crews.

He may require the Owner, Master, or any of the Crew of any *British* Ship to produce any Official Log Books or other

Functions of Board of Trade.

Documents relating to such Crew or any Member thereof in their respective Possession or Control:

He may require any such Master to produce a List of all Persons on board his Ship, and take Copies of such Official Log Books, or Documents, or of any Part thereof:

He may muster the Crew of any such Ship:

He may summon the Master to appear and give any Explanation concerning such Ship or her Crew or the said Official Log Books or Documents:

And if upon Requisition duly made by any Person so authorized in that Behalf as aforesaid, any Person refuses or neglects to produce any such Official Log Book or Document as he is herein-before required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such Muster of a Crew as aforesaid, or refuses or neglects to give any Explanation which he is herein-before required to give, or knowingly misleads or deceives any Person herein-before authorized to demand any such Explanation, he shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

Board of Trade may appoint Inspectors.

14. The Board of Trade may from Time to Time, whenever it seems expedient to them so to do, appoint any Person, as an Inspector, to report to them upon the following Matters; (that is to say,)

(1.) Upon the Nature and Causes of any Accident or Damage which any Ship has sustained or caused, or is alleged to have sustained or caused:

(2.) Whether the Provisions of this Act, or any Regulations made under or by virtue of this Act, have been complied with:

(3.) Whether the Hull and Machinery of any Steam Ship are sufficient and in good Condition.

Powers of Inspectors.

15. Every such Inspector as aforesaid shall have the following Powers; (that is to say,)

(1.) He may go on board any Ship, and may inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof to which the Provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any Voyage:

(2.) He may enter and inspect any Premises the Entry or Inspection of which appears to him to be requisite for the Purpose of the Report which he is directed to make:

(3.) He may, by Summons under his Hand, require the Attendance of all such Persons as he thinks fit to call before him and examine for such Purpose, and may require Answers or Returns to any Inquiries he thinks fit to make:

(4.) He

(4.) He may require and enforce the Production of all Books, Papers, or Documents which he considers important for such Purpose: *Functions of Board of Trade.*

(5.) He may administer Oaths, or may, in lieu of requiring or administering an Oath, require every Person examined by him to make and subscribe a Declaration of the Truth of the Statements made by him in his Examination:

And every Witness so summoned as aforesaid shall be allowed such Expenses as would be allowed to any Witness attending on Subpœna to give Evidence before any Court of Record, or if in *Scotland*, to any Witness attending on Citation the Court of Justiciary; and in case of any Dispute as to the Amount of such Expenses the same shall be referred by the Inspector to One of the Masters of Her Majesty's Court of Queen's Bench in *England* or *Ireland*, or to the Queen's and Lord Treasurer's Remembrancer in *Scotland*, who, on a Request made to him for that Purpose under the Hand of the said Inspector, shall ascertain and certify the proper Amount of such Expenses; and every Person who refuses to attend as a Witness before any such Inspector, after having been required so to do in the Manner hereby directed and after having had a Tender made to him of the Expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations which any such Inspector is hereby empowered to require, shall for each such Offence incur a Penalty not exceeding Ten Pounds. **Witnesses to be allowed Expenses;** **Penalty for refusing to give Evidence.**

16. Every Person who wilfully impedes any such Inspector appointed by the Board of Trade as aforesaid in the Execution of his Duty, whether on board any Ship or elsewhere, shall incur a Penalty not exceeding Ten Pounds, and may be seized and detained by such Inspector or other Person or by any Person or Persons whom he may call to his Assistance until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction. **Penalty for obstructing Inspectors in the Execution of their Duty.**

PART II.

BRITISH SHIPS. THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

Application.

Application

17. The Second Part of this Act shall apply to the whole of Her Majesty's Dominions. **Application of Part II. of Act.**

Description

Description and Ownership of British Ships.

Description and Ownership of British Ships.

18. No Ship shall be deemed to be a *British* Ship unless she belongs wholly to Owners of the following Description; that is to say,

(1.) Natural-born *British* Subjects:

Provided that no natural-born Subject who has taken the Oath of Allegiance to any Foreign Sovereign or State shall be entitled to be such Owner as aforesaid, unless he has subsequently to taking such last-mentioned Oath taken the Oath of Allegiance to Her Majesty, and is and continues to be during the whole Period of his so being an Owner resident in some Place within Her Majesty's Dominions, or if not so resident, Member of a *British* Factory, or Partner in a House actually carrying on Business in the United Kingdom or in some other Place within Her Majesty's Dominions:

(2.) Persons made Denizens by Letters of Denization, or naturalized by or pursuant to any Act of the Imperial Legislature, or by or pursuant to any Act or Ordinance of the proper legislative Authority in any *British* Possession:

Provided that such Persons are and continue to be during the whole Period of their so being Owners resident in some Place within Her Majesty's Dominions, or if not so resident, Members of a *British* Factory, or Partners in a House actually carrying on Business in the United Kingdom or in some other Place within Her Majesty's Dominions, and have taken the Oath of Allegiance to Her Majesty subsequently to the Period of their being so made Denizens or naturalized:

(3.) Bodies Corporate established under, subject to the Laws of, and having their principal Place of Business in the United Kingdom or some *British* Possession.

British Ships with certain Exceptions must be registered.

19. Every *British* Ship must be registered in manner herein-after mentioned, except,

(1.) Ships duly registered before this Act comes into operation:

(2.) Ships not exceeding Fifteen Tons Burden employed solely in Navigation on the Rivers or Coasts of the United Kingdom, or on the Rivers or Coasts of some *British* Possession within which the Managing Owners of such Ships are resident:

(3.) Ships not exceeding Thirty Tons Burden, and not having a whole or fixed Deck, and employed solely in fishing or trading coastwise on the Shores of *Newfoundland* or Parts adjacent thereto, or in the Gulf of *St. Lawrence*, or on such Portion of the Coasts of *Canada*, *Nova Scotia*, or *New Brunswick* as lie bordering on such Gulf:

And

And no Ship hereby required to be registered shall, unless registered, be recognized as a *British* Ship; and no Officer of Customs shall grant a Clearance or Transire to any Ship hereby required to be registered for the Purpose of enabling her to proceed to Sea as a *British* Ship, unless the Master of such Ship, upon being required so to do, produces to him such Certificate of Registry as is herein-after mentioned; and if such Ship attempts to proceed to Sea as a *British* Ship without a Clearance or Transire, such Officer may detain such Ship until such Certificate is produced to him.

Description and Ownership of British Ships.

Measurement of Tonnage.

Measurement of Tonnage.

20. Throughout the following Rules the Tonnage Deck shall be taken to be the Upper Deck in Ships which have less than Three Decks, and to be the Second Deck from below in all other Ships; and in carrying such Rules into effect all Measurements shall be taken in Feet and Fractions of Feet, and all Fractions of Feet shall be expressed in Decimals.

Tonnage Deck; Feet; Decimals.

21. The Tonnage of every Ship to be registered, with the Exceptions mentioned in the next Section, shall previously to her being registered be ascertained by the following Rule, herein-after called Rule I.; and the Tonnage of every Ship to which such Rule can be applied, whether she is about to be registered or not, shall be ascertained by the same Rule:

RULE I.

For Ships to be registered and other Ships of which the Hold is clear.

(1.) Measure the Length of the Ship in a straight Line along the upper Side of the Tonnage Deck from the Inside of the inner Plank (average Thickness) at the Side of the Stem to the Inside of the Midship Stern Timber or Plank there, as the Case may be, (average Thickness,) deducting from this Length what is due to the Rake of the Bow in the Thickness of the Deck, and what is due to the Rake of the Stern Timber in the Thickness of the Deck, and also what is due to the Rake of the Stern Timber in One Third of the Round of the Beam; divide the Length so taken into the Number of equal Parts required by the following Table, according to the Class in such Table to which the Ship belongs:

Lengths.

TABLE.

Class 1. Ships of which the Tonnage Deck is according to the above Measurement 50 Feet long or under, into 4 equal Parts:

" 2. Ships of which the Tonnage Deck is according to the above Measurement above 50 Feet long and not exceeding 120, into 6 equal Parts:

Measurement of Tonnage.

Class 3. Ships of which the Tonnage Deck is according to the above Measurement above 120 Feet long and not exceeding 180, into 8 equal Parts:

„ 4. Ships of which the Tonnage Deck is according to the above Measurement above 180 Feet long and not exceeding 225, into 10 equal Parts:

„ 5. Ships of which the Tonnage Deck is according to the above Measurement above 225 Feet long, into 12 equal Parts.

Transverse Areas.

(2.) Then, the Hold being first sufficiently cleared to admit of the required Depths and Breadths being properly taken, find the Transverse Area of such Ship at each Point of Division of the Length as follows:—Measure the Depth at each Point of Division, from a Point at a Distance of One Third of the Round of the Beam below such Deck, or, in case of a Break, below a Line stretched in continuation thereof, to the upper Side of the Floor Timber at the Inside of the Limber Strake, after deducting the average Thickness of the Ceiling which is between the Bilge Planks and Limber Strake; then, if the Depth at the Midship Division of the Length do not exceed Sixteen Feet, divide each Depth into Four equal Parts; then measure the inside horizontal Breadth at each of the Three Points of Division, and also at the upper and lower Points of the Depth, extending each Measurement to the average Thickness of that Part of the Ceiling which is between the Points of Measurement; number these Breadths from above (*i. e.* numbering the upper Breadth One, and so on down to the lowest Breadth); multiply the Second and Fourth by Four, and the Third by Two; add these Products together, and to the Sum add the First Breadth and the Fifth; multiply the Quantity thus obtained by One Third of the common Interval between the Breadths, and the Product shall be deemed the Transverse Area; but if the Midship Depth exceed Sixteen Feet, divide each Depth into Six equal Parts instead of Four, and measure as before directed the horizontal Breadths at the Five Points of Division, and also at the upper and lower Points of the Depth; number them from above as before; multiply the Second, Fourth, and Sixth by Four, and the Third and Fifth by Two; add these Products together, and to the Sum add the First Breadth and the Seventh; multiply the Quantity thus obtained by One Third of the common Interval between the Breadths, and the Product shall be deemed the Transverse Area.

Computation from Areas.

(3.) Having thus ascertained the Transverse Area at each Point of Division of the Length of the Ship as required by the above Table,

Table, proceed to ascertain the Register Tonnage of the Ship in the following Manner:—Number the Areas successively 1, 2, 3, &c., No. 1. being at the extreme Limit of the Length at the Bow, and the last No. at the extreme Limit of the Length at the Stern; then, whether the Length be divided according to the Table into Four or Twelve Parts as in Classes 1 and 5, or any intermediate Number as in Classes 2, 3, and 4, multiply the Second and every even numbered Area by Four, and the Third and every odd numbered Area (except the First and Last) by Two; add these Products together, and to the Sum add the First and Last if they yield anything; multiply the Quantity thus obtained by One Third of the common Interval between the Areas, and the Product will be the Cubical Contents of the Space under the Tonnage Deck; divide this Product by One hundred, and the Quotient being the Tonnage under the Tonnage Deck shall be deemed to be the Register Tonnage of the Ship, subject to the Additions and Deductions herein-after mentioned. *Measurement of Tonnage.*

(4.) If there be a Break, a Poop, or any other permanent closed-in Space on the upper Deck, available for Cargo or Stores, or for the Berthing or Accommodation of Passengers or Crew, the Tonnage of such Space shall be ascertained as follows:—Measure the internal mean Length of such Space in Feet, and divide it into Two equal Parts; measure at the Middle of its Height Three inside Breadths, namely, one at each End and the other at the Middle of the Length; then to the Sum of the End Breadths add Four Times the Middle Breadth, and multiply the whole Sum by One Third of the common Interval between the Breadths; the Product will give the mean horizontal Area of such Space; then measure the mean Height, and multiply by it the mean horizontal Area; divide the Product by One hundred, and the Quotient shall be deemed to be the Tonnage of such Space, and shall be added to the Tonnage under the Tonnage Deck, ascertained as aforesaid, subject to the following Provisoes; first, that nothing shall be added for a closed-in Space solely appropriated to the berthing of the Crew, unless such Space exceeds One Twentieth of the remaining Tonnage of the Ship, and in case of such Excess the Excess only shall be added; and, secondly, that nothing shall be added in respect of any Building erected for the Shelter of Deck Passengers, and approved by the Board of Trade. **Poop and any other closed-in Space.**

(5.) If the Ship has a Third Deck, commonly called a Spar Deck, the Tonnage of the Space between it and the Tonnage Deck shall **In case of Two or more Decks.**

Measurement of Tonnage.

shall be ascertained as follows:—Measure in Feet the inside Length of the Space at the Middle of its Height from the Plank at the Side of the Stem to the Lining on the Timbers at the Stern, and divide the Length into the same Number of equal Parts into which the Length of the Tonnage Deck is divided as above directed; measure (also at the Middle of its Height) the inside Breadth of the Space at each of the Points of Division, also the Breadth of the Stem and the Breadth at the Stern; number them successively 1, 2, 3, &c., commencing at the Stem; multiply the Second and all the other even numbered Breadths by Four, and the Third and all the other odd numbered Breadths (except the First and Last) by Two; to the Sum of these Products add the First and Last Breadths; multiply the whole Sum by One Third of the common Interval between the Breadths, and the Result will give in Superficial Feet the mean horizontal Area of such Space; measure the mean Height of such Space, and multiply by it the mean horizontal Area, and the Product will be the Cubical Contents of the Space; divide this Product by One hundred, and the Quotient shall be deemed to be the Tonnage of such Space, and shall be added to the other Tonnage of the Ship ascertained as aforesaid; and if the Ship has more than Three Decks, the Tonnage of each Space between Decks above the Tonnage Deck shall be severally ascertained in manner above described, and shall be added to the Tonnage of the Ship ascertained as aforesaid.

Rule II.

For Ships not requiring Registry with Cargo on board

22. Ships which, requiring to be measured for any Purpose other than Registry, have Cargo on board, and Ships which, requiring to be measured for the Purpose of Registry, cannot be measured by the Rule above given, shall be measured by the following Rule, hereinafter called Rule II.:

Length.

(1.) Measure the Length on the Upper Deck from the Outside of the outer Plank at the Stem to the Aftside of the Stern Post, deducting therefrom the Distance between the Aftside of the Stern Post and the Rabbet of the Stern Post at the Point where the Counter Plank crosses it; measure also the greatest Breadth of the Ship to the Outside of the outer Planking or Wales, and then, having first marked on the Outside of the Ship on both Sides thereof the Height of the Upper Deck at the Ship's Sides, girt the Ship at the greatest Breadth in a Direction perpendicular to the Keel from the Height so marked on the Outside of the Ship on the one Side to the Height so marked on the other Side by passing a Chain under the Keel; to Half the Girth thus taken add Half the main Breadth; square

Breadth.

Girting of the Ship.

square the Sum; multiply the Result by the Length of the Ship taken as aforesaid; then multiply this Product by the Factor ·0018 (Eighteen Ten-thousandths) in the Case of Ships built of Wood, and by ·0021 (Twenty-one Ten-thousandths) in the Case of Ships built of Iron, and the Product shall be deemed the Register Tonnage of Ship the subject to the Additions and Deductions herein-after mentioned. *Measurement of Tonnage.*

(2.) If there be a Break, a Poop, or other closed-in Space on the Upper Deck, the Tonnage of such Space shall be ascertained by multiplying together the mean Length, Breadth, and Depth of such Space, and dividing the Product by 100, and the Quotient so obtained shall be deemed to be the Tonnage of such Space, and shall, subject to the Deduction for a closed-in Space appropriated to the Crew as mentioned in Rule I., be added to the Tonnage of the Ship ascertained as aforesaid. Poop and other closed-in Spaces on upper Deck.

23. In every Ship propelled by Steam or other Power requiring Engine Room, an Allowance shall be made for the Space occupied by the propelling Power, and the Amount so allowed shall be deducted from the gross Tonnage of the Ship ascertained as aforesaid, and the Remainder shall be deemed to be the Register Tonnage of such Ship; and such Deduction shall be estimated as follows; (that is to say,) RULE III. Allowance for Engine Room in Steamers.

(*a.*) As regards Ships propelled by Paddle Wheels in which the Tonnage of the Space solely occupied by and necessary for the proper working of the Boilers and Machinery is above Twenty *per Cent.* and under Thirty *per Cent.* of the gross Tonnage of the Ship, such Deduction shall be Thirty-seven One-hundredths of such gross Tonnage; and in Ships propelled by Screws in which the Tonnage of such Space is above Thirteen *per Cent.* and under Twenty *per Cent.* of such gross Tonnage, such Deduction shall be Thirty-two One-hundredths of such gross Tonnage: To be rateable in ordinary Steamers.

(*b.*) As regards all other Ships, the Deduction shall, if the Commissioners of Customs and the Owner both agree thereto, be estimated in the same Manner; but either they or he may in their or his Discretion require the Space to be measured and the Deduction estimated accordingly; and whenever such Measurement is so required the Deduction shall consist of the Tonnage of the Space actually occupied by or required to be inclosed for the proper Working of the Boilers and Machinery, with the Addition in the Case of Ships propelled by Paddle Wheels of One Half, and in the Case of Ships propelled by Screws of Three Fourths of the Tonnage of such Space; and the Measurement and Use of such Space shall be governed by the following Rules; (that is to say,) May be measured where the Space is unusually large or small.

(1.) Measure the mean Depth of the Space from its Crown to the Ceiling at the Limber Strake, measure also Three, or, if Mode of Measurement.

 necessary,

Measurement of Tonnage.

necessary, more than Three Breadths of the Space at the Middle of its Depth, taking one of such Measurements at each End, and another at the Middle of the Length; take the Mean of such Breadths; measure also the mean Length of the Space between the foremost and aftermost Bulkheads or Limits of its Length, excluding such Parts, if any, as are not actually occupied by or required for the proper Working of the Machinery; multiply together these Three Dimensions of Length, Breadth, and Depth, and the Product will be the Cubical Contents of the Space below the Crown; then find the Cubical Contents of the Space or Spaces, if any, above the Crown aforesaid, which are framed in for the Machinery or for the Admission of Light and Air, by multiplying together the Length, Depth, and Breadth thereof; add such Contents to the Cubical Contents of the Space below the Crown; divide the Sum by 100; and the Result shall be deemed to be the Tonnage of the said Space:

In case of separate Compartments.

(2.) If in any Ship in which the Space aforesaid is to be measured the Engines and Boilers are fitted in separate Compartments, the Contents of each shall be measured severally in like Manner, according to the above Rules, and the Sum of their several Results shall be deemed to be the Tonnage of the said Space:

Shaft Trunk of Screw Steamer.

(3.) In the Case of Screw Steamers in which the Space aforesaid is to be measured, the Contents of the Shaft Trunk shall be added to and deemed to form Part of such Space, and shall be ascertained by multiplying together the mean Length, Breadth, and Depth of the Trunk, and dividing the Product by 100:

Alteration of Engine Room.

(4.) If in any Ship in which the Space aforesaid is to be measured any Alteration be made in the Length or Capacity of such Space, or if any Cabins be fitted in such Space, such Ship shall be deemed to be a Ship not registered until Remeasurement:

Penalty for carrying Goods in such Space.

(5.) If in any Ship in which the Space aforesaid is to be measured any Goods or Stores are stowed or carried in such Space, the Master and Owner shall each be liable to a Penalty not exceeding One hundred Pounds.

RULE IV.

Open Ships how measured.

24. In ascertaining the Tonnage of open Ships the upper Edge of the upper Strake is to form the Boundary Line of Measurement, and the Depths shall be taken from an athwartship Line, extended from upper Edge to upper Edge of the said Strake at each Division of the Length.

25. In

Measurement of Tonnage.

Tonnage and Number of Certificate to be carved on Main Beam.

25. In every registered *British* Ship the Number denoting the Register Tonnage, ascertained as herein-before directed, and the Number of her Certificate of Registry, shall be deeply carved or otherwise permanently marked on her Main Beam, and shall be so continued; and if it at any Time cease to be so continued such Ship shall no longer be recognized as a *British* Ship.

Tonnage when once ascertained to be ever after deemed the Tonnage.

26. Whenever the Tonnage of any Ship has been ascertained and registered in accordance with the Provisions of this Act, the same shall thenceforth be deemed to be the Tonnage of such Ship, and be repeated in every subsequent Registry thereof, unless any Alteration is made in the Form or Capacity of such Ship, or unless it is discovered that the Tonnage of such Ship has been erroneously computed; and in either of such Cases such Ship shall be remeasured, and her Tonnage determined and registered according to the Rules herein-before contained in that Behalf.

Remeasurement of Ships already registered may be made, but not to be compulsory.

27. The Rules for the Measurement of Tonnage herein contained shall not make it necessary to alter the present registered Tonnage of any *British* Ship registered before this Act comes into operation; but if the Owner of any such Ship desires to have the same remeasured according to such Rules, he may apply to the Commissioners of Customs for the Purpose, and such Commissioners shall thereupon, and on Payment of such reasonable Charge for the Expenses of Remeasurement, not exceeding the Sum of Seven Shillings and Sixpence for each Transverse Section, as they may authorize, direct such Remeasurement to be made, and such Ship shall thereupon be remeasured according to such Rules as aforesaid, or according to such of them as may be applicable; and the Number denoting the Register Tonnage shall be altered accordingly.

Power to remeasure Engine Rooms improperly extended.

28. If it appears to the Commissioners of Customs that in any Steam Ship measured before this Act comes into operation Store Rooms or Coal Bunkers have been introduced into or thrown across the Engine Room, so that the Deduction from the Tonnage on account of the Engine Room is larger than it ought to be, the said Commissioners may, if they think fit, direct such Engine Room to be remeasured according to the Rules in force before this Act comes into operation, excluding the Space occupied by such Store Rooms or Coal Bunkers, or may, if the Owners so desire, cause the Ship to be remeasured according to the Rules herein-before contained, and subject to the Conditions contained in the last preceding Section; and after Remeasurement the said Commissioners shall cause the Ship to be registered anew, or the Registry thereof to be altered, as the Case may require.

29. The

Measurement of Tonnage.

Officers may be appointed and Regulations made for Measurement of Ships.

29. The Commissioners of Customs may, with the Sanction of the Treasury, appoint such Persons to superintend the Survey and Admeasurement of Ships as they think fit; and may, with the Approval of the Board of Trade, make such Regulations for that Purpose as may be necessary; and also, with the like Approval, make such Modifications and Alterations as from Time to Time become necessary in the Tonnage Rules hereby prescribed, in order to the more accurate and uniform Application thereof, and the effectual carrying out of the Principle of Admeasurement therein adopted.

Registry of British Ships.

Registry of British Ships.

Registrars of British Ships.

30. The following Persons are required to register *British* Ships, and shall be deemed Registrars for the Purposes of this Act; (that is to say,)

(1.) At any Port or other Place in the United Kingdom or *Isle of Man* approved by the Commissioners of Customs for the Registry of Ships, the Collector, Comptroller, or other principal Officer of Customs for the Time being:

(2.) In the Islands of *Guernsey* and *Jersey*, the principal Officers of Her Majesty's Customs, together with the Governor, Lieutenant Governor, or other Person administering the Government of such Islands respectively:

(3.) In *Malta*, *Gibraltar*, and *Heligoland*, the Governor, Lieutenant Governor, or other Person administering the Government of such Places respectively:

(4.) At any Port or Place so approved as aforesaid within the Limits of the Charter but not under the Government of the *East India* Company, and at which no Custom House is established, the Collector of Duties, together with the Governor, Lieutenant Governor, or other Person administering the Government:

(5.) At the Ports of *Calcutta*, *Madras*, and *Bombay*, the Master Attendants, and at any other Port or Place so approved as aforesaid within the Limits of the Charter and under the Government of the *East India* Company, the Collector of Duties, or any other Person of Six Years standing in the Civil Service of the said Company who is appointed by any of the Governments of the said Company to act for this Purpose:

(6.) At every other Port or Place so approved as aforesaid within Her Majesty's Dominions abroad, the Collector, Comptroller, or other principal Officer of Customs or of Navigation Laws, or if there is no such Officer resident at such Port or Place, the Governor, Lieutenant Governor, or other Person administering the Government of the Possession in which such Port or Place is situate.

Substitution of Governor abroad for Commissioners of

31. The Governor, Lieutenant Governor, or other Person administering the Government in any *British* Possession where any Ship is registered under the Authority of this Act shall, with regard to the

Performance

Performance of any Act or Thing relating to the Registry of a Ship or of any Interest therein, be considered in all respects as occupying the Place of the Commissioners of Customs; and any *British* Consular Officer shall, in any Place where there is no Justice of the Peace, be authorized to take any Declaration hereby required or permitted to be made in the Presence of a Justice of the Peace.

Registry of British Ships

Customs, and of Consul for Justice.

32. Every Registrar shall keep a Book, to be called "The Register Book," and enter therein the Particulars herein-after required to be registered.

Registrar to keep Register Books.

33. The Port or Place at which any *British* Ship is registered for the Time being shall be considered her Port of Registry or the Port to which she belongs.

Port of Registry of British Ship.

34. The following Rules shall be observed with respect to the Names of *British* registered Ships; (that is to say,)

Name of Ship.

(1.) Before Registry the Name of each Ship and of the Port to which she belongs shall be painted on a conspicuous Part of her Stern on a dark Ground in White or Yellow Letters of a Length not less than Four Inches:

(2.) No Change shall be made in the Name of any registered Ship:

(3.) No Concealment, Absence, or avoidable Obliteration of the above Names shall be permitted, except for the Purpose of escaping Capture by an Enemy:

(4.) The Ship shall not be described by or with the Knowledge of the Owner or Master by any Name other than the One by which she is registered:

And for every Breach of the above Rules or any of them the Owner and Master shall each incur a Penalty not exceeding One hundred Pounds.

35. Every Application for the Registry of a Ship shall in the Case of Individuals be made by the Person requiring to be registered as Owner, or by some One or more of such Persons if more than One, or by his or their duly authorized Agent, and in the Case of Bodies Corporate by their duly authorized Agent; the Authority of such Agent, if appointed by Individuals, to be testified by some Writing under the Hands of the Appointors, and if appointed by a Body Corporate, by some Instrument under the Common Seal of such Body Corporate.

Application for Registry, by whom to be made.

36. Before Registry, the Ship shall be surveyed by a Person duly appointed under this Act; and such Surveyor shall grant a Certificate in the Form marked A. in the Schedule hereto, specifying her

Survey of Ship.

Registry of British Ships

Tonnage, Build, and such other Particulars descriptive of the Identity of the Ship as may from Time to Time be required by the Board of Trade; and such Certificate shall be delivered to the Registrar before Registry.

Rules as to Entries in Register Book.

37. The following Rules shall be observed with respect to Entries in the Register Book; (that is to say,)

(1.) The Property in a Ship shall be divided into Sixty-four Shares:

(2.) Subject to the Provisions with respect to joint Owners or Owners by Transmission herein-after contained, not more than Thirty-two Individuals shall be entitled to be registered at the same Time as Owners of any One Ship; but this Rule shall not affect the beneficial Title of any Number of Persons or of any Company represented by or claiming under or through any registered Owner or joint Owner:

(3.) No Person shall be entitled to be registered as Owner of any fractional Part of a Share in a Ship; but any Number of Persons, not exceeding Five, may be registered as joint Owners of a Ship or of a Share or Shares therein:

(4.) Joint Owners shall be considered as constituting One Person only as regards the foregoing Rule relating to the Number of Persons entitled to be registered as Owners, and shall not be entitled to dispose in severalty of any Interest in any Ship or in any Share or Shares therein in respect of which they are registered:

(5.) A Body Corporate may be registered as Owner by its Corporate Name.

Declaration of Ownership by individual Owner

38. No Person shall be entitled to be registered as Owner of a Ship or any Share therein until he has made and subscribed a Declaration in the Form marked B. in the Schedule hereto, referring to the Ship as described in the Certificate of the Surveyor, and containing the following Particulars; (that is to say,)

(1.) A Statement of his Qualification to be an Owner of a Share in a *British* Ship:

(2.) A Statement of the Time when and the Place where such Ship was built, or (if the Ship is Foreign-built, and the Time and Place of building not known,) a Statement that she is Foreign-built, and that he does not know the Time or Place of her building; and, in addition thereto, in the Case of a Foreign Ship, a Statement of her Foreign Name, or (in the Case of a Ship condemned) a Statement of the Time, Place, and Court at and by which she was condemned:

(3.) A State-

Registry of British Ships.

(3.) A Statement of the Name of the Master:

(4.) A Statement of the Number of Shares in such Ship of which he is entitled to be registered as Owner:

(5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or beneficial Interest in such Ship or any Share therein:

The above Declaration of Ownership shall be made and subscribed in the Presence of the Registrar if the Declarant reside within Five Miles of the Custom House of the Port of Registry, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace.

Declaration of Ownership by Body Corporate.

39. No Body Corporate shall be entitled to be registered as Owner of a Ship or of any Share therein until the Secretary or other duly appointed public Officer of such Body Corporate has made and subscribed in the Presence of the Registrar of the Port of Registry a Declaration in the Form marked C. in the Schedule hereto, referring to the Ship as described in the Certificate of the Surveyor, and containing the following Particulars; (that is to say,)

(1.) A Statement of such Circumstances of the Constitution and Business of such Body Corporate as prove it to be qualified to own a *British* Ship:

(2.) A Statement of the Time when and the Place where such Ship was built, or (if the Ship is Foreign-built, and the Time and Place of building unknown,) a Statement that she is Foreign-built, and that he does not know the Time or Place of her building; and, in addition thereto, in the Case of a Foreign Ship, a Statement of her Foreign Name, or (in the Case of a Ship condemned) a Statement of the Time, Place, and Court at and by which she was condemned:

(3.) A Statement of the Name of the Master:

(4.) A Statement of the Number of Shares in such Ship of which such Body Corporate is Owner:

(5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or beneficial Interest in such Ship or any Share therein.

Evidence to be produced on Registry.

40. Upon the First Registry of a Ship there shall, in addition to the Declaration of Ownership, be produced the following Evidence; (that is to say,)

(1.) In

Registry of British Ships

(1.) In the Case of a *British*-built Ship, a Certificate (which the Builder is hereby required to grant under his Hand) containing a true Account of the proper Denomination and of the Tonnage of such Ship as estimated by him, and of the Time when and of the Place where such Ship was built, together with the Name of the Party (if any) on whose Account he has built the same, and, if any Sale or Sales have taken place, the Bill or Bills of Sale under which the Ship or Share therein has become vested in the Party requiring to be registered as Owner:

(2.) In the Case of a Foreign-built Ship, the same Evidence as in the Case of a *British*-built Ship, unless the Person requiring to be registered as Owner, or, in the Case of a Body Corporate, the duly appointed Officer, declares that the Time or Place of her building is unknown, or that the Builder's Certificate cannot be procured, in which Case there shall be required only the Bill or Bills of Sale under which the Ship or Share therein became vested in the Party requiring to be registered as Owner thereof:

(3.) In the Case of a Ship condemned by any competent Court, an official Copy of the Condemnation of such Ship.

Penalty on Builder for false Certificate.

41. If any Builder wilfully makes a false Statement in any Certificate hereby required to be granted by him he shall for every such Offence incur a Penalty not exceeding One hundred Pounds.

Particulars of Entry in Register Book.

42. As soon as the foregoing Requisites to the due Registry of a Ship have been complied with, the Registrar shall enter in the Register Book the following Particulars relating to such Ship; (that is to say,)

(1.) The Name of the Ship and of the Port to which she belongs:

(2.) The Details as to her Tonnage, Build, and Description comprised in the Certificate herein-before directed to be given by the Surveyor:

(3.) The several Particulars as to her Origin stated in the Declaration or Declarations of Ownership:

(4.) The Names and Descriptions of her registered Owner or Owners, and if there is more than One such Owner, the Proportions in which they are interested in such Ship.

No Notice taken of Trusts.

43. No Notice of any Trust, express, implied, or constructive, shall be entered in the Register Book, or receivable by the Registrar; and, subject to any Rights and Powers appearing by the Register Book to be vested in any other Party, the registered Owner of any Ship or Share therein shall have Power absolutely to dispose in manner herein-after mentioned of such Ship or Share, and to give effectual Receipts for any Money paid or advanced by way of Consideration.

Certificate

Certificate of Registry.

Certificate of Registry.

Certificate of Registry to be granted.

44. Upon the Completion of the Registry of any Ship the Registrar shall grant a Certificate of Registry in the Form marked D. in the Schedule hereto, comprising the following Particulars; (that is to say,)

(1.) The Name of the Ship and of the Port to which she belongs:

(2.) The Details as to her Tonnage, Build, and Description comprised in the Certificate herein-before directed to be given by the Surveyor:

(3.) The Name of her Master:

(4.) The several Particulars as to her Origin stated in the Declaration or Declarations of Ownership:

(5.) The Names and Descriptions of her registered Owner or Owners, and if there is more than One such Owner, the Proportions in which they are respectively interested, indorsed upon such Certificate.

Change of Owners to be indorsed on Certificate of Registry.

45. Whenever any Change takes place in the registered Ownership of any Ship, then, if such Change occurs at a Time when the Ship is at her Port of Registry, the Master shall forthwith deliver the Certificate of Registry to the Registrar, and he shall indorse thereon a Memorandum of such Change; but if such Change occurs during the Absence of the Ship from her Port of Registry, then upon her first Return to such Port the Master shall deliver the Certificate of Registry to the Registrar, and he shall indorse thereon a like Memorandum of the Change; or if she previously arrives at any Port where there is a *British* Registrar, such Registrar shall, upon being advised by the Registrar of her Port of Registry of the Change having taken place, indorse a like Memorandum thereof on the Certificate of Registry, and may for that Purpose require the Certificate to be delivered to him, so that the Ship be not thereby detained; and any Master who fails to deliver to the Registrar the Certificate of Registry as herein-before required shall incur a Penalty not exceeding One hundred Pounds.

Change of Master to be indorsed on Certificate of Registry.

46. Whenever the Master of any *British* registered Ship is changed, the following Persons, that is to say, if such Change is made in consequence of the Sentence of any Naval Court, the presiding Officer of such Court, but if the Change takes place from any other Cause, the Registrar, or if there is no Registrar the *British* Consular Officer resident at the Port where such Change takes place, shall indorse on the Certificate of Registry a Memorandum of such Change, and subscribe his Name to such Indorsement, and forthwith report the Change of Master to the Commissioners of Customs in *London;* and the Officers of Customs at any Port situate within Her Majesty's Dominions may refuse to admit any Person to do any Act at such Port as Master of any *British* Ship, unless his Name is inserted in or indorsed upon the Certificate of Registry of such Ship as the last appointed Master thereof.

47. The

Certificate of Registry

Power to grant new Certificate.

47. The Registrar may, with the Sanction of the Commissioners of Customs, upon the Delivery up to him of the former Certificate of Registry, grant a new Certificate in the Place of the one so delivered up.

Provision in case of Loss of Certificate

48. In the event of the Certificate of Registry of any Ship being mislaid, lost, or destroyed, if such Event occurs at any Port in the United Kingdom, the Ship being registered in the United Kingdom, or at any Port in any *British* Possession, the Ship being registered in the same *British* Possession, then the Registrar of her Port of Registry shall grant a new Certificate of Registry in lieu of and as a Substitute for her original Certificate of Registry; but if such Event occurs elsewhere, the Master or some other Person having Knowledge of the Circumstances shall make a Declaration before the Registrar of any Port having a *British* Registrar at which such Ship is at the Time or first arrives after such Mislaying, Loss, or Destruction; and such Declaration shall state the Facts of the Case, and the Names and Descriptions of the registered Owners of such Ship, to the best of the Declarant's Knowledge and Belief; and the Registrar shall thereupon grant a Provisional Certificate as near to the Form appointed by this Act as Circumstances permit, and shall insert therein a Statement of the Circumstances under which such Provisional Certificate is granted.

Provisional Certificate to be delivered up

49. Every such Provisional Certificate shall, within Ten Days after the first subsequent Arrival of the Ship at her Port of Discharge in the United Kingdom, if registered in the United Kingdom, or if registered elsewhere, at her Port of Discharge in the *British* Possession within which her Port of Registry is situate, be delivered up to the Registrar thereof, who shall thereupon grant a new one, as near to the Form appointed by this Act as Circumstances permit; and if the Master neglects to deliver up such Certificate within such Time he shall incur a Penalty not exceeding Fifty Pounds.

Custody of Certificate.

Delivery of Certificate may be required.

50. The Certificate of Registry shall be used only for the lawful Navigation of the Ship, and shall not be subject to Detention by reason of any Title, Lien, Charge, or Interest whatsoever which any Owner, Mortgagee, or other Person may have or claim to have on or in the Ship described in such Certificate; and if any Person whatever, whether interested or not in the Ship, refuses on Request to deliver up such Certificate when in his Possession or under his Control to the Person for the Time being entitled to the Custody thereof for the Purposes of such lawful Navigation as aforesaid, or to any Registrar, Officer of the Customs, or other Person legally entitled to require such Delivery,

Delivery, it shall be lawful for any Justice, by Warrant under his Hand and Seal, or for any Court capable of taking cognizance of such Matter, to cause the Person so refusing to appear before him and to be examined touching such Refusal; and unless it is proved to the Satisfaction of such Justice or Court that there was reasonable Cause for such Refusal the Offender shall incur a Penalty not exceeding One hundred Pounds; but if it is made to appear to such Justice or Court that the Certificate is lost, the Party complained of shall be discharged, and such Justice or Court shall thereupon certify that the Certificate of Registry is lost.

Certificate of Registry.

Penalty for Detention

51. If the Person charged with such Detainer or Refusal is proved to have absconded, so that the Warrant of the Justice or Process of the Court cannot be served upon him, or if he persists in his Refusal to deliver the Certificate, such Justice or Court shall certify the Fact, and the same Proceedings may then be taken as in the Case of a Certificate of Registry mislaid, lost, or destroyed, or as near thereto as Circumstances permit.

Mode of proceeding, if detaining Party abscond.

52. If the Master or Owner of any Ship uses or attempts to use for the Navigation of such Ship a Certificate of Registry not legally granted in respect of such Ship, he shall be guilty of a Misdemeanor, and it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to seize and detain such Ship, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland* or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and if such Court is of opinion that such Use or Attempt at Use has taken place, it shall pronounce such Ship, with her Tackle, Apparel, and Furniture, to be forfeited to Her Majesty, and may award such Portion of the Proceeds arising from the Sale of such Ship as it may think just to the Officer so bringing in the same for Adjudication.

Penalty for using improper Certificate.

53. If any registered Ship is either actually or constructively lost, taken by the Enemy, burnt, or broken up, or if by reason of a Transfer to any Persons not qualified to be Owners of *British* Ships, or of any other Matter or Thing, any such Ship as aforesaid ceases to be a *British* Ship, every Person who at the Time of the Occurrence of any of the aforesaid Events owns such Ship or any Share therein shall, immediately upon obtaining Knowledge of any such Occurrence, if no Notice thereof has already been given to the Registrar at the Port of Registry of such Ship, give such Notice to him, and he shall make an Entry thereof in his Register Book; and, except

Certificate of Ship lost or ceasing to be British to be delivered up.

Certificate of Registry.

except in Cases where the Certificate of Registry is lost or destroyed, the Master of every Ship so circumstanced as aforesaid shall immediately, if such Event occurs in Port, but if the same occurs elsewhere, then within Ten Days after his Arrival in Port, deliver the Certificate of Registry of such Ship to the Registrar, or, if there be no Registrar, to the *British* Consular Officer at such Port, and such Registrar if he is not himself the Registrar of her Port of Registry, or such *British* Consular Officer, shall forthwith forward the Certificate so delivered to him to the Registrar of the Port of Registry of the Ship; and every Owner and Master who, without reasonable Cause, makes default in obeying the Provisions of this Section shall for each Offence incur a Penalty not exceeding One hundred Pounds.

Provisional Certificate for Ship becoming vested in British Owners at Foreign Port.

54. If any Ship becomes the Property of Persons qualified to be Owners of *British* Ships at any Foreign Port, the *British* Consular Officer resident at such Port may grant the Master of such Ship, upon his Application, a Provisional Certificate, stating—

The Name of the Ship;

The Time and Place of her Purchase, and the Names of her Purchasers;

The Name of her Master;

The best Particulars as to her Tonnage, Build, and Description that he is able to obtain;

And he shall forward a Copy of such Certificate, at the first convenient Opportunity, to the Commissioners of Customs in *London*: The Certificate so granted shall possess the same Force as a Certificate of Registry until the Expiration of Six Months, or until such earlier Time as the Ship arrives at some Port where there is a *British* Registrar; but upon the Expiration of such Period, or upon Arrival at such Port, shall be void to all Intents.

Transfers and Transmissions.

Transfer of Ships or Shares therein.

55 A registered Ship or any Share therein, when disposed of to Persons qualified to be Owners of *British* Ships, shall be transferred by Bill of Sale; and such Bill of Sale shall contain such Description of the Ship as is contained in the Certificate of the Surveyor, or such other Description as may be sufficient to identify the Ship to the Satisfaction of the Registrar, and shall be according to the Form marked E. in the Schedule hereto, or as near thereto as Circumstances permit, and shall be executed by the Transferrer in the Presence of and be attested by One or more Witnesses.

Declaration to be made by Transferree.

56. No Individual shall be entitled to be registered as Transferree of a Ship or any Share therein until he has made a Declaration in the

the Form marked F. in the Schedule hereto, stating his Qualification to be registered as Owner of a Share in a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership by an original Owner; and no Body Corporate shall be entitled to be registered as Transferree of a Ship or any Share therein until the Secretary or other duly appointed public Officer of such Body Corporate has made a Declaration in the Form marked G. in the Schedule hereto, stating the Name of such Body Corporate, and such Circumstances of its Constitution and Business as may prove it to be qualified to own a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership made on behalf of a Body Corporate: In the Case of an Individual, the above Declaration shall be made, if he reside within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace; in the Case of a Body Corporate the Declaration shall be made in the Presence of the Registrar of the Port of Registry.

Transfers and Transmissions.

57. Every Bill of Sale for the Transfer of any registered Ship, or of any Share therein, when duly executed, shall be produced to the Registrar of the Port at which the Ship is registered, together with the Declaration herein-before required to be made by a Transferree; and the Registrar shall thereupon enter in the Register Book the Name of the Transferree as Owner of the Ship or Share comprised in such Bill of Sale, and shall indorse on the Bill of Sale the Fact of such Entry having been made, with the Date and Hour thereof; and all Bills of Sale of any Ship or Shares in a Ship shall be entered in the Register Book in the Order of their Production to the Registrar.

Registration of Transfer.

58. If the Property in any Ship or in any Share therein becomes transmitted in consequence of the Death or Bankruptcy or Insolvency of any registered Owner, or in consequence of the Marriage of any Female registered Owner, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration of the Person to whom such Property has been transmitted, made in the Form marked H. in the Schedule hereto, and containing the several Statements herein-before required to be contained in the Declaration of a Transferree, or as near thereto as Circumstances permit, and, in addition, a Statement describing the Manner in which and the Party to whom such Property has been transmitted; and such Declaration shall be made and subscribed if the Declarant resides at or within

Transmission of Shares by Death, Bankruptcy, or Marriage.

Transfers and Transmissions.

Five Miles of the Custom House of the Port of Registry in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace.

Proof of Transmission by Bankruptcy, Marriage, Will, or on Intestacy.

59. If such Transmission has taken place by virtue of the Bankruptcy or Insolvency of any registered Owner, the said Declaration shall be accompanied by such Evidence as may for the Time being be receivable in Courts of Justice as Proof of the Title of Parties claiming under any Bankruptcy or Insolvency; and if such Transmission has taken place by virtue of the Marriage of a Female Owner, the said Declaration shall be accompanied by a Copy of the Register of such Marriage or other legal Evidence of the Celebration thereof, and shall declare the Identity of the said Female Owner; and if such Transmission has taken place by virtue of any Testamentary Instrument or by Intestacy, then in *England*, *Wales*, and *Ireland* the said Declaration shall be accompanied by the Probate of the Will or the Letters of Administration or an official Extract therefrom, and in *Scotland* or in any *British* Possession by the Will or any Copy thereof that may be Evidence by the Laws of *Scotland* or of such Possession, or by Letters of Administration or any Copy thereof, or by such other Document as may by the Laws of *Scotland* or of such Possession be receivable in the Courts of Judicature thereof as Proof of the Person entitled upon an Intestacy.

Registration of transmitted Share.

60. The Registrar, upon the Receipt of such Declaration so accompanied as aforesaid, shall enter the Name of the Person or Persons entitled under such Transmission in the Register Book as Owner or Owners of the Ship or Share therein in respect of which such Transmission has taken place; and such Persons, if more than One, shall, however numerous, be considered as One Person only as regards the Rule herein-before contained relating to the Number of Persons entitled to be registered as Owners.

Registrar to retain certain Evidence.

61. Of the Documents hereby required to be produced to the Registrar he shall retain in his Possession the following; that is to say, the Surveyor's Certificate, the Builder's Certificate, the Copy of the Condemnation, and all Declarations of Ownership.

Unqualified Owner entitled by Transmission may apply to Court for Sale of Ship.

62. Whenever any Property in a Ship or Share in a Ship becomes vested by Transmission on the Death of any Owner or on the Marriage of any Female Owner in any Person not qualified to be the Owner of *British* Ships, it shall be lawful, if such Ship is registered in *England* or *Ireland* for the Court of Chancery, if in *Scotland* for the Court of Session, or if in any *British* Possession

Transfers and Transmissions

session for any Court possessing the principal Civil Jurisdiction within such Possession, upon an Application made by or on behalf of such unqualified Person, to order a Sale to be made of the Property so transmitted, and to direct the Proceeds of such Sale, after deducting the Expenses thereof, to be paid to the Person entitled under such Transmission, or otherwise as the Court may direct; and it shall be in the Discretion of any such Court as aforesaid to make or refuse any such Order for Sale, and to annex thereto any Terms or Conditions, and to require any Evidence in support of such Application it may think fit, and generally to act in the Premises in such Manner as the Justice of the Case requires.

Order to be made by Court.

63. Every Order for a Sale made by such Court as aforesaid shall contain a Declaration vesting the Right to transfer the Ship or Share so to be sold in some Person or Persons named by the Court, and such Nominee or Nominees shall thereupon be entitled to transfer such Ship or Share in the same Manner, and to the same Extent, as if he or they were the registered Owner or Owners of the same; and every Registrar shall obey the Requisition of such Nominee or Nominees as aforesaid in respect of any Transfer to the same Extent as he would be compellable to obey the Requisition of any registered Owner or Owners of such Ship or Share.

Limit of Time for Application.

64. Every such Application as aforesaid for Sale shall be made within Four Weeks after the Occurrence of the Event on which such Transmission has taken place, or within such further Time as such Court as aforesaid may allow, such Time not in any Case to exceed the Space of One Year from the Date of such Occurrence as aforesaid; and in the event of no such Application being made within such Period as aforesaid, or of such Court refusing to accede thereto, the Ship or Share so transmitted shall thereupon be forfeited in manner herein-after directed with respect to Interests acquired by unqualified Owners in Ships using a *British* Flag and assuming the *British* Character.

Power of Courts to prohibit Transfers.

65. It shall be lawful in *England* or *Ireland* for the Court of Chancery, in *Scotland* for the Court of Session, in any *British* Possession for any Court possessing the principal civil Jurisdiction within such Possession, without Prejudice to the Exercise of any other Power such Court may possess, upon the summary Application of any interested Person made either by Petition or otherwise, and either *ex parte* or upon Service of Notice on any other Person, as the Court may direct, to issue an Order prohibiting for a Time to be named in such Order any Dealing with such Ship or Share; and it shall be in the Discretion of such Court to make or refuse any such Order,

Transfers and Transmissions.

Order, and to annex thereto any Terms or Conditions it may think fit, and to discharge such Order when granted with or without Costs, and generally to act in the Premises in such Manner as the Justice of the Case requires; and every Registrar, without being made a Party to the Proceedings, upon being served with such Order, or an official Copy thereof, shall obey the same.

Mortgages.

Mortgages.

Mortgage of Ships and Shares therein.

66. A registered Ship or any Share therein may be made a Security for a Loan or other valuable Consideration; and the Instrument creating such Security, herein-after termed a "Mortgage," shall be in the Form marked I. in the Schedule hereto, or as near thereto as Circumstances permit; and on the Production of such Instrument the Registrar of the Port at which the Ship is registered shall record the same in the Register Book.

Mortgages to be registered in Order of Time of Production.

67. Every such Mortgage shall be recorded by the Registrar in the Order of Time in which the same is produced to him for that Purpose; and the Registrar shall, by Memorandum under his Hand, notify on the Instrument of Mortgage that the same has been recorded by him, stating the Date and Hour of such Record.

Entry of Discharge of Mortgage.

68. Whenever any registered Mortgage has been discharged, the Registrar shall, on the Production of the Mortgage Deed, with a Receipt for the Mortgage Money indorsed thereon, duly signed and attested, make an Entry in the Register Book to the Effect that such Mortgage has been discharged; and upon such Entry being made the Estate, if any, which passed to the Mortgagee shall vest in the same Person or Persons in whom the same would, having regard to intervening Acts and Circumstances, if any, have vested if no such Mortgage had ever been made.

Priority of Mortgages.

69. If there is more than One Mortgage registered of the same Ship or Share therein, the Mortgagees shall, notwithstanding any express, implied, or constructive Notice, be entitled in Priority one over the other according to the Date at which each Instrument is recorded in the Register Books, and not according to the Date of each Instrument itself.

Mortgagee not to be deemed Owner.

70. A Mortgagee shall not by reason of his Mortgage be deemed to be the Owner of a Ship or any Share therein, nor shall the Mortgagor be deemed to have ceased to be Owner of such mortgaged Ship or Share, except in so far as may be necessary for making such Ship or Share available as a Security for the Mortgage Debt.

71. Every

Mortgages.

Mortgagee to have Power of Sale.

71. Every registered Mortgagee shall have Power absolutely to dispose of the Ship or Share in respect of which he is registered, and to give effectual Receipts for the Purchase Money; but if there are more Persons than One registered as Mortgagees of the same Ship or Share, no subsequent Mortgagee shall, except under the Order of some Court capable of taking cognizance of such Matters, sell such Ship or Share without the Concurrence of every prior Mortgagee.

Rights of Mortgagee not affected by any Act of Bankruptcy of Mortgagor.

72. No registered Mortgage of any Ship or of any Share therein shall be affected by any Act of Bankruptcy committed by the Mortgagor after the Date of the Record of such Mortgage, notwithstanding such Mortgagor at the Time of his becoming bankrupt may have in his Possession and Disposition and be reputed Owner of such Ship or Share thereof; and such Mortgage shall be preferred to any Right, Claim, or Interest in such Ship or any Share thereof which may belong to the Assignees of such Bankrupt.

Transfer of Mortgages.

73. A registered Mortgage of any Ship or Share in a Ship may be transferred to any Person, and the Instrument creating such Transfer shall be in the Form marked K. in the Schedule hereto, and on the Production of such Instrument the Registrar shall enter in the Register Book the Name of the Transferree as Mortgagee of the Ship or Shares therein mentioned, and shall by Memorandum under his Hand record on the Instrument of Transfer that the same has been recorded by him, stating the Date and Hour of such Record.

Transmission of Interest of Mortgagee by Death, Bankruptcy, or Marriage.

74. If the Interest of any Mortgagee in any Ship or in any Share therein becomes transmitted in consequence of Death, Bankruptcy, or Insolvency, or in consequence of the Marriage of any Female Mortgagee, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration of the Person to whom such Interest has been transmitted, made in the Form marked L. in the Schedule hereto, and containing a Statement describing the Manner in which and the Party to whom such Property has been transmitted; and such Declaration shall be made and subscribed, if the Declarant resides at or within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace, and shall be accompanied by such Evidence as is herein-before required to authenticate a corresponding Transmission of Property from one registered Owner to another.

Entry of transmitted Mortgage.

75. The Registrar, upon the Receipt of such Declaration and the Production of such Evidence as aforesaid, shall enter the Name of the

Mortgages.

Person or Persons entitled under such Transmission in the Register Book as Mortgagee or Mortgagees of the Ship or Share in respect of which such Transmission has taken place.

Certificates of Mortgage and Sale.

Powers of Mortgage and Sale may be conferred by Certificate.

76. Any registered Owner, if desirous of disposing by way of Mortgage or Sale of the Ship or Share in respect of which he is registered at any Place out of the Country or Possession in which the Port of Registry of such Ship is situate, may apply to the Registrar, who shall thereupon enable him to do so by granting such Certificates as are herein-after mentioned, to be called respectively Certificates of Mortgage or Certificates of Sale, according as they purport to give a Power to mortgage or a Power to sell.

Requisites for Certificates of Mortgage and Sale.

77. Previously to any Certificate of Mortgage or Sale being granted, the Applicant shall state to the Registrar, to be by him entered in the Register Book, the following Particulars; (that is to say,)

(1.) The Names of the Persons by whom the Power mentioned in such Certificate is to be exercised, and in the Case of a Mortgage the maximum Amount of Charge to be created, if it is intended to fix any such Maximum, and in the Case of a Sale the minimum Price at which a Sale is to be made, if it is intended to fix any such Minimum:

(2.) The specific Place or Places where such Power is to be exercised, or if no Place be specified, then that it may be exercised anywhere, subject to the Provisions herein-after contained:

(3.) The Limit of Time within which such Power may be exercised.

Restrictions on Certificates of Mortgage and Sale.

78. No Certificate of Mortgage or Sale shall be granted so as to authorize any Mortgage or Sale to be made—

At any Place within the United Kingdom, if the Port of Registry of the Ship be situate in the United Kingdom; or at any Place within the same *British* Possession if the Port of Registry is situate within a *British* Possession; or

By any Person not named in the Certificate.

Forms of Certificates of Mortgage and Sale.

79. Certificates of Mortgage and Sale shall be in the Forms marked respectively M. and N. in the Schedule hereto, and shall contain a Statement of the several Particulars herein-before directed to be entered in the Register Book, and in addition thereto an Enumeration of any registered Mortgages or Certificates of Mortgage or Sale affecting the Ships or Shares in respect of which such Certificates are given.

Certificates of Mortgage and Sale.

Rules as to Certificates of Mortgage.

80. The following Rules shall be observed as to Certificates of Mortgage; (that is to say,)

(1.) The Power shall be exercised in conformity with the Directions contained in the Certificate:

(2.) A Record of every Mortgage made thereunder shall be indorsed thereon by a Registrar or *British* Consular Officer:

(3.) No Mortgage *bonâ fide* made thereunder shall be impeached by reason of the Person by whom the Power was given dying before the making of such Mortgage:

(4.) Whenever the Certificate contains a Specification of the Place or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Mortgage *bonâ fide* made to a Mortgagee without Notice shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given:

(5.) Every Mortgage which is so registered as aforesaid on the Certificate shall have Priority over all Mortgages of the same Ship or Share created subsequently to the Date of the Entry of the Certificate in the Register Book; and if there be more Mortgages than One so indorsed the respective Mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive Notice, be entitled one before the other according to the Date at which a Record of each Instrument is indorsed on the Certificate, and not according to the Date of the Instrument creating the Mortgage:

(6.) Subject to the foregoing Rules every Mortgagee whose Mortgage is registered on the Certificate shall have the same Rights and Powers and be subject to the same Liabilities as he would have had and been subject to if his Mortgage had been registered in the Register Book instead of on the Certificate:

(7.) The Discharge of any Mortgage so registered on the Certificate may be indorsed thereon by any Registrar or *British* Consular Officer, upon the Production of such Evidence as is hereby required to be produced to the Registrar on the Entry of the Discharge of a Mortgage in the Register Book; and upon such Indorsement being made, the Estate, if any, which passed to the Mortgagee shall vest in the same Person or Persons in whom the same would, having regard to intervening Acts and Circumstances, if any, have vested if no such Mortgage had been made:

(8.) Upon the Delivery of any Certificate of Mortgage to the Registrar by whom it was granted he shall, after recording in the Register Book in such Manner as to preserve its Priority any unsatisfied Mortgage registered thereon, cancel such Certificate, and enter the Fact of such Cancellation in the Register Book; and every Certificate so cancelled shall be void to all Intents.

81. The

Certificates of Mortgage and Sale.

Rules as to Certificates of Sale.

81. The following Rules shall be observed as to Certificates of Sale; (that is to say,)

(1.) No such Certificate shall be granted except for the Sale of an entire Ship:

(2.) The Power shall be exercised in conformity with the Directions contained in the Certificate:

(3.) No Sale *bonâ fide* made to a Purchaser for valuable Consideration shall be impeached by reason of the Person by whom the Power was given dying before the making of such Sale:

(4.) Whenever the Certificate contains a Specification of the Place or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Sale *bonâ fide* made to a Purchaser for valuable Consideration without Notice shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given:

(5.) Any Transfer made to a Person qualified to be the Owner of *British* Ships shall be by Bill of Sale in the Form herein-before mentioned, or as near thereto as Circumstances permit:

(6.) If the Ship is sold to a Party qualified to hold *British* Ships, the Ship shall be registered anew; but Notice of all Mortgages enumerated on the Certificate of Sale shall be entered in the Register Book:

(7.) Previously to such Registry anew there shall be produced to the Registrar required to make the same the Bill of Sale by which the Ship is transferred, the Certificate of Sale, and the Certificate of Registry of such Ship:

(8.) Such last-mentioned Registrar shall retain the Certificates of Sale and Registry, and after having indorsed on both of such Instruments an Entry of the Fact of a Sale having taken place, shall forward the said Certificates to the Registrar of the Port appearing on such Certificates to be the former Port of Registry of the Ship, and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except as far as relates to any unsatisfied Mortgages or existing Certificates of Mortgage entered therein:

(9.) On such Registry anew the Description of the Ship contained in her original Certificate of Registry may be transferred to the new Register Book, without her being re-surveyed, and the Declaration to be made by the Purchaser shall be the same as would be required to be made by an ordinary Transferee:

(10.) If the Ship is sold to a Party not qualified to be the Owner of a *British* Ship, the Bill of Sale by which the Ship is transferred, the Certificate

Certificate of Sale, and the Certificate of Registry shall be produced to some Registrar or Consular Officer, who shall retain the Certificates of Sale and Registry, and, having indorsed thereon the Fact of such Ship having been sold to Persons not qualified to be Owners of *British* Ships, shall forward such Certificates to the Registrar of the Port appearing on the Certificate of Registry to be the Port of Registry of such Ship; and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except so far as relates to any unsatisfied Mortgages or existing Certificates of Mortgage entered therein:

Certificates of Mortgage and Sale.

(11.) If upon a Sale being made to an unqualified Person Default is made in the Production of such Certificates as are mentioned in the last Rule, such unqualified Person shall be considered by *British* Law as having acquired no Title to or Interest in the Ship; and further, the Party upon whose Application such Certificate was granted, and the Persons exercising the Power, shall each incur a Penalty not exceeding One hundred Pounds:

(12.) If no Sale is made in conformity with the Certificate of Sale, such Certificate shall be delivered to the Registrar by whom the same was granted; and such Registrar shall thereupon cancel it, and enter the Fact of such Cancellation in the Register Book; and every Certificate so cancelled shall be void to all Intents.

82. Upon Proof at any Time to the Satisfaction of the Commissioners of Customs that any Certificate of Mortgage or Sale is lost or so obliterated as to be useless, and that the Powers thereby given have never been exercised, or if they have been exercised then upon Proof of the several Matters and Things that have been done thereunder, it shall be lawful for the Registrar, with the Sanction of the said Commissioners, as Circumstances may require, either to issue a new Certificate, or to direct such Entries to be made in the Register Book, or such other Matter or Thing to be done as might have been made or done if no such Loss or Obliteration had taken place.

Power of Commissioners of Customs in case of Loss of Certificate of Mortgage or Sale.

83. The registered Owner for the Time being of any Ship or Share therein in respect of which a Certificate of Mortgage or Sale has been granted, specifying the Place or Places where the Power thereby given is to be exercised, may, by an Instrument under his Hand made in the Form O. in the Schedule hereto, or as near thereto, as Circumstances permit, authorize the Registrar by whom such Certificate was granted to give Notice to the Registrar or Consular Officer, Registrars or Consular Officers, at such Place or Places, that such Certificate is revoked; and Notice shall be given accordingly; and all Registrars or Consular

Revocation of Certificates of Mortgage and Sale.

Certificates of Mortgage and Sale.

Consular Officers receiving such Notice shall record the same, and shall exhibit the same to all Persons who may apply to them for the Purpose of effecting or obtaining a Mortgage or Transfer under the said Certificate of Mortgage or Sale; and after such Notice has been so recorded the said Certificate shall, so far as concerns any Mortgage or Sale to be thereafter made at such Place, be deemed to be revoked and of no Effect; and every Registrar or Consular Officer recording any such Notice shall thereupon state to the Registrar by whom the Certificate was granted, whether any previous Exercise of the Power to which such Certificate refers has taken place.

Registry anew and Transfer of Registry.

Registry anew and Transfer of Registry

Alteration in Ship to be registered.

84. Whenever any registered Ship is so altered as not to correspond with the Particulars relating to her Tonnage or Description contained in the Register Book, then, if such Alteration is made at a Port where there is a Registrar, the Registrar of such Port, but if made elsewhere, the Registrar of the First Port having a Registrar at which the Ship arrives after her Alteration, shall, on Application made to him, and on the Receipt of a Certificate from the proper Surveyor specifying the Nature of such Alteration, either retain the old Certificate of Registry and grant a new Certificate of Registry containing a Description of the Ship as altered, or indorse on the existing Certificate a Memorandum of such Alteration, and subscribe his Name to such Indorsement; and the Registrar to whom such Application as aforesaid is made, if he is the Registrar of the Port of Registry of the Ship, shall himself enter in his Register Book the Particulars of the Alteration so made, and the Fact of such new Certificate having been granted or Indorsement having been made on the existing Certificate; but if he is not such last-mentioned Registrar, he shall forthwith report such Particulars and Facts as aforesaid, accompanied by the old Certificate of Registry in Cases where a new one has been granted, to the Registrar of the Port of Registry of the Ship, who shall retain such old Certificate (if any), and enter such Particulars and Facts in his Register Book accordingly.

On Alteration Registry anew may be required.

85. When the Registrar to whom Application is made in respect of any such Alteration as aforesaid is the Registrar of the Port of Registry, he may, if he thinks fit, instead of registering such Alteration, require such Ship to be registered anew in manner herein-before directed on the first Registry of a Ship, and if he is not such Registrar as lastly herein-before mentioned he may nevertheless require such Ship to be registered anew, but he shall in such last-mentioned Case grant a Provisional Certificate or make a Provisional Indorsement of the Alteration made in manner herein-before directed in Cases where no Registry anew is required, taking care to add to such

such Certificate or Indorsement a Statement that the same is made provisionally, and to insert in his Report to the Registrar of the Port of Registry of the Ship a like Statement.

Registry anew and Transfer of Registry.

86. Every such Provisional Certificate, or Certificate provisionally indorsed, shall, within Ten Days after the first subsequent Arrival of the Ship at her Port of Discharge in the United Kingdom, if registered in the United Kingdom, or, if registered elsewhere, at her Port of Discharge in the *British* Possession within which her Port of Registry is situate, be delivered up to the Registrar thereof, who shall thereupon cause such Ship to be registered anew in the same Manner in all respects as herein-before required on the first Registry of any Ship.

Grant of Provisional Certificate in respect of Alteration.

87. On Failure of such Registry anew of any Ship or Registry of Alteration of any Ship so altered as aforesaid, such Ship shall be deemed not duly registered, and shall no longer be recognized as a *British* Ship.

Consequence of Omission to register anew

88. If upon any Change of Ownership in any Ship the Owner or Owners desire to have such Ship registered anew, although such Registry anew is not required by this Act, it shall be lawful for the Registrar of the Port at which such Ship is already registered, on the Delivery up to him of the existing Certificate of Registry, and on the other Requisites to Registry, or such of them as the Registrar thinks material, being duly complied with, to make such Registry anew, and grant a Certificate thereof.

On Change of Owners, Registry anew may be granted, if required.

89. The Registry of any Ship may be transferred from one Port to another upon the Application of all Parties appearing on the Register to be interested in such Ship, whether as Owners or Mortgagees, such Application to be expressed by a Declaration in Writing made and subscribed, if the Party so required to make and subscribe the same resides at or within Five Miles of the Custom House of the Port from which such Ship is to be transferred, in the Presence of the Registrar of such Port, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace.

Registry may be transferred from Port to Port.

90. Upon such Application being made as is herein-before mentioned, and upon the Delivery to him of the Certificate of Registry, the Registrar of the Port at which such Ship is already registered shall transmit to the Registrar of the Port at which such Ship is intended to be registered Notice of such Application having been made to him, together with a true Copy of all Particulars relating to such Ship, and the Names of all the Parties appearing by his Book to be interested as Owners or Mortgagees in such Ship; and such last-mentioned Registrar

Manner of Transfer of Registry.

Registry anew and Transfer of Registry

Registrar shall, upon the Receipt of such Notice, enter all such Particulars and Names in his Book of Registry, and grant a fresh Certificate of Registry, and thenceforth such Ship shall be considered as registered at and belonging to such last-mentioned Port, and the Name of such last-mentioned Port shall be substituted on the Stern of such Ship in lieu of the Name of the Port previously appearing thereon.

Transfer of Registry not to affect Rights of Owners.

91. The Transfer of the Registry of any Ship in manner aforesaid shall not in any way affect the Rights of the several Persons interested either as Owners or Mortgagees in such Ship, but such Rights shall in all respects be maintained and continue in the same Manner as if no such Transfer had been effected.

Registry, Miscellaneous

Registry, Miscellaneous.

Inspection of Register Books.

92. Every Person may, upon Payment of a Fee to be fixed by the Commissioners of Customs not exceeding One Shilling, have Access to the Register Book for the Purpose of Inspection at any reasonable Time during the Hours of official Attendance of the Registrar.

Indemnity to Registrar.

93. No Registrar shall be liable to Damages or otherwise for any Loss accruing to any Person by reason of any Act done or Default made by him in his Character of Registrar, unless the same has happened through his Neglect or wilful Act.

Return to be made by Registrars to Commissioners of Customs.

94. Every Registrar in the United Kingdom shall at the Expiration of every Month, and every other Registrar shall without Delay, or at such stated Times as may be fixed by the Commissioners of Customs, transmit to the Custom House in *London* a full Return in such Form as they may direct of all Registries, Transfers, Transmissions, Mortgages, and other Dealings with Ships which have been registered by or communicated to them in their Character of Registrars, and the Names of the Persons who have been concerned in the same, and such other Particulars as may be directed by the said Commissioners.

Application of Fees.

95. All Fees authorized to be taken under the Second Part of this Act shall, if taken in any Part of the United Kingdom, be applied in Payment of the general Expenses of carrying into effect the Purposes of such Second Part, or otherwise as the Treasury may direct, but if taken elsewhere shall be disposed of in such Way as the Executive Government of the *British* Possession in which they are taken may direct.

Commissioners of Customs to

96. The Commissioners of Customs shall cause the several Forms required or authorized to be used by the Second Part of this Act, and contained

Registry, Miscellaneous.

contained in the Schedule hereto, to be supplied to all Registrars within Her Majesty's Dominions for Distribution to the several Persons requiring to use the same, either free of Charge, or at such moderate Prices as they may from Time to Time direct, and the said Commissioners, with the Consent of the Board of Trade, may from Time to Time make such Alterations in the Forms contained in the Schedule hereto as it may deem requisite, but shall, before issuing any altered Form, give such public Notice thereof as may be necessary in order to prevent Inconvenience; and the said Commissioners may also, with such Consent as aforesaid, for the Purposes of carrying into effect the Provisions contained in the Second Part of this Act, give such Instructions as to the Manner of making Entries in the Register Book, as to the Execution and Attestation of Powers of Attorney, as to any Evidence to be required for identifying any Person, and generally as to any Act or Thing to be done in pursuance of the Second Part of this Act, as they may think fit.

provide, and with Consent of Board of Trade may alter Forms and issue Instructions.

97. Whenever in any Case in which under the Second Part of this Act any Person is required to make a Declaration on behalf of himself or of any Body Corporate, or any Evidence is required to be produced to the Registrar, it is shown to the Satisfaction of the Registrar that from any reasonable Cause such Person is unable to make the Declaration, or that such Evidence cannot be produced, it shall be lawful for the Registrar, with the Sanction of the Commissioners of Customs, and upon the Production of such other Evidence, and subject to such Terms as they may think fit, to dispense with any such Declaration or Evidence.

Power to Registrar to dispense with Declarations and other Evidence.

98. In Cases where it appears to the Commissioners of Customs, or to the Governor or other Person administering the Government of any *British* Possession, that by reason of special Circumstances it would be desirable that Permission should be granted to any *British* Ship to pass, without being previously registered, from one Port or Place in Her Majesty's Dominions to any other Port or Place within the same, it shall be lawful for such Commissioners or Governor or other Person to grant a Pass accordingly, and such Pass shall for the Time and within the Limits therein mentioned have the same Effect as a Certificate of Registry.

Power for Commissioners or Governor in special Cases to grant a Pass to a Ship not registered.

99. If any Person interested in any Ship or any Share therein is, by reason of Infancy, Lunacy, or other Inability, incapable of making any Declaration or doing any Thing required or permitted by this Act to be made or done by such incapable Person in respect of Registry, then the Guardian or Committee, if any, of such incapable Person, or, if there be none, any Person appointed by any Court or Judge possessing Jurisdiction in respect of the Property of incapable Persons, upon

Provision for Cases of Infancy or other Incapacity.

Registry, Miscellaneous.

upon the Petition of any Person on behalf of such incapable Person, or of any other Person interested in the making such Declaration or doing such Thing, may make such Declaration, or a Declaration as nearly corresponding thereto as Circumstances permit, and do such Thing in the Name and on behalf of such incapable Person; and all Acts done by such Substitute shall be as effectual as if done by the Person for whom he is substituted.

Liabilities of Owners

100. Whenever any Person is beneficially interested, otherwise than by way of Mortgage, in any Ship or Share therein registered in the Name of some other Person as Owner, the Person so interested shall, as well as the registered Owner, be subject to all pecuniary Penalties imposed by this or by any other Act on Owners of Ships or Shares therein, so nevertheless that Proceedings may be taken for the Enforcement of any such pecuniary Penalties against both or either of the aforesaid Parties, with or without joining the other of them.

Forgery

Forgery.

Punishment for Forgery

101. Any Person who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Register Book, Certificate of Survey or, Certificate of Registry, Declaration of Ownership, Bill of Sale, Instrument of Mortgage, Certificate of Mortgage or Sale, or any Entry or Indorsement required by the Second Part of this Act to be made in or on any of the above Documents, shall for every such Offence be deemed to be guilty of Felony.

National Character.

National Character.

National Character of Ship to be declared before Clearance.

102. No Officer of Customs shall grant a Clearance or Transire for any Ship until the Master of such Ship has declared to such Officer the Name of the Nation to which he claims that she belongs, and such Officer shall thereupon inscribe such Name on the Clearance or Transire; and if any Ship attempts to proceed to Sea without such Clearance or Transire, any such Officer may detain her until such Declaration is made.

Penalties:

103. The Offences herein-after mentioned shall be punishable as follows; (that is to say,)

For unduly assuming a British Character.

(1.) If any Person uses the *British* Flag and assumes the *British* National Character on board any Ship owned in whole or in part by any Persons not entitled by Law to own *British* Ships, for the Purpose of making such Ship appear to be a *British* Ship, such Ship shall be forfeited to Her Majesty, unless such Assumption has been made for the Purpose of escaping Capture by an Enemy or by a Foreign Ship of War in exercise of some belligerent Right; and in any Proceeding for enforcing any such Forfeiture

Forfeiture the Burden of proving a Title to use the *British* Flag and assume the *British* National Character shall lie upon the Person using and assuming the same: *National Character.*

(2.) If the Master or Owner of any *British* Ship does or permits to be done any Matter or Thing, or carries or permits to be carried any Papers or Documents, with intent to conceal the *British* Character of such Ship from any Person entitled by *British* Law to inquire into the same, or to assume a Foreign Character, or with Intent to deceive any such Person as lastly herein-before mentioned, such Ship shall be forfeited to Her Majesty; and the Master, if he commits or is privy to the Commission of the Offence, shall be guilty of a Misdemeanor: *For Concealment of British or Assumption of Foreign Character.*

(3.) If any unqualified Person, except in the Case of such transmitted Interests as are herein-before mentioned, acquires as Owner any Interest, either legal or beneficial, in a Ship using a *British* Flag and assuming the *British* Character, such Interest shall be forfeited to Her Majesty: *For acquiring Ownership if unqualified.*

(4.) If any Person, on behalf of himself or any other Person or Body of Persons, wilfully makes a false Declaration touching the Qualification of himself or such other Person or Body of Persons to own *British* Ships or any Shares therein, the Declarant shall be guilty of a Misdemeanor; and the Ship or Share in respect of which such Declaration is made, if the same has not been forfeited under the foregoing Provision, shall, to the Extent of the Interest therein of the Person making the Declaration, and, unless it is shown that he had no Authority to make the same, of the Parties on behalf of whom such Declaration is made, be forfeited to Her Majesty: *For false Declaration of Ownership.*

And in order that the above Provisions as to Forfeitures may be carried into effect it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to seize and detain any Ship which has, either wholly or as to any Share therein, become subject to Forfeiture as aforesaid, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland*, or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and such Court may thereupon make such Order in the Case as it may think fit, and may award to the Officer bringing in the same for Adjudication such Portion of the Proceeds of the Sale of any forfeited Ship or Share as it may think right.

104. No such Officer as aforesaid shall be responsible, either civilly or criminally, to any Person whomsoever, in respect of the Seizure or Detention of any Ship that has been seized or detained by him in pursuance of the Provisions herein contained, notwithstanding that such *Officer not liable for any Seizure made on reasonable Grounds.*

National Character.

such Ship is not brought in for Adjudication, or, if so brought in, is declared not to be liable to Forfeiture, if it is shown to the Satisfaction of the Judge or Court before whom any Trial relating to such Ship or such Seizure or Detention is held that there were reasonable Grounds for such Seizure or Detention; but if no such Grounds are shown, such Judge or Court may award Payment of Costs and Damages to any Party aggrieved, and make such other Order in the Premises as it thinks just.

Penalty for carrying improper Colours.

105. If any Colours usually worn by Her Majesty's Ships, or any Colours resembling those of Her Majesty, or any distinctive National Colours, except the Red Ensign usually worn by Merchant Ships, or except the Union Jack with a White Border, or if the Pendant usually carried by Her Majesty's Ships or any Pendant in anywise resembling such Pendant, are or is hoisted on board any Ship or Boat belonging to any Subject of Her Majesty without Warrant for so doing from Her Majesty or from the Admiralty, the Master of such Ship or Boat, or the Owner thereof, if on board the same, and every other Person hoisting or joining or assisting in hoisting the same, shall for every such Offence incur a Penalty not exceeding Five hundred Pounds; and it shall be lawful for any Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of the Customs, or any *British* Consular Officer, to board any such Ship or Boat, and to take away any such Jack, Colours, or Pendant; and such Jack, Colours, or Pendant shall be forfeited to Her Majesty.

Effect of Declaration in the Act that a Ship shall not be recognized as a British Ship.

106. Whenever it is declared by this Act that a Ship belonging to any Person or Body Corporate qualified according to this Act to be Owners of *British* Ships shall not be recognized as a *British* Ship, such Ship shall not be entitled to any Benefits, Privileges, Advantages, or Protection usually enjoyed by *British* Ships, and shall not be entitled to use the *British* Flag or assume the *British* National Character; but, so far as regards the Payment of Dues, the Liability to Pains and Penalties, and the Punishment of Offences committed on board such Ship or by any Persons belonging to her, such Ship shall be dealt with in the same Manner in all respects as if she were a recognized *British* Ship.

Evidence.

Copies of Registers and Declarations to be admissible in Evidence, and to be primâ facie Proof of certain Things.

107. Every Register of or Declaration made in pursuance of the Second Part of this Act in respect of any *British* Ship may be proved in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to receive Evidence, either by the Production of the Original or by an examined Copy thereof, or by a Copy thereof purporting to be certified under the Hand of the Registrar or other Person having the Charge of the Original;

Original; which certified Copies he is hereby required to furnish to any Person applying at a reasonable Time for the same, upon Payment of One Shilling for each such certified Copy; and every such Register or Copy of a Register, and also every Certificate of Registry of any *British* Ship, purporting to be signed by the Registrar or other proper Officer, shall be received in Evidence in any Court of Justice or before any Person having by Law or by Consent of Parties Authority to receive Evidence as *primâ facie* Proof of all the Matters contained or recited in such Register when the Register or such Copy is produced, and of all the Matters contained in or indorsed on such Certificate of Registry, and purporting to be authenticated by the Signature of a Registrar, when such Certificate is produced.

Evidence.

Saving Clause.

Saving Clause.

108. Nothing in this Act contained shall repeal or affect an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Fifty-six, intituled *An Act further to regulate the Trade of Ships built and trading within the Limits of the* East India *Company's Charter.*

Saving of 3 & 4 Vict. c. 56. relating to East Indian Ships.

PART III.

MASTERS AND SEAMEN.

Application.

Application.

109. The various Provisions of the Third Part of this Act shall have the following Applications, unless the Context or Subject Matter requires a different Application; (that is to say,)

Application of Part III. of Act.

So much of the Third Part of this Act as relates to the Delivery or Transmission of Lists of Crews to the Registrar General of Seamen shall apply to all Fishing Vessels belonging to the United Kingdom, whether employed exclusively on the Coasts of the United Kingdom or not; to all Ships belonging to the *Trinity House*, or the Commissioners of Northern Lighthouses, constituted as herein-after mentioned, or the Port of *Dublin* Corporation, and to all Pleasure Yachts, and to the Owners, Masters, and Crews of such Ships:

Returns for certain Ships belonging to the United Kingdom.

So much of the Third Part of this Act as relates to the Delivery and Transmission of Lists of Crews, and to the Wages and Effects of deceased Seamen and Apprentices, shall apply to all Sea-going *British* Ships, wherever registered, of which the Crews are

Returns and Wages of deceased Seamen in certain Colonial Ships.

Application.

are discharged, or whose final Port of Destination is in the United Kingdom, and to the Owners, Masters, and Crews of such Ships:

Shipping and discharging Men in the United Kingdom.

So much of the Third Part of this Act as relates to the Shipping and Discharge of Seamen in the United Kingdom shall apply to all Sea-going *British* Ships, wherever registered, and to the Owners, Masters, and Crews of such Ships:

Volunteering into the Navy.

So much of the Third Part of this Act as relates to Seamen volunteering into the Royal Navy shall apply to all Sea-going *British* Ships, wherever registered, and to the Owners, Masters, and Crews of such Ships, wherever the same may be:

Provisions applicable to Colonial Ships.

So much of the Third Part of this Act as relates to Rights to Wages and Remedies for the Recovery thereof; to the Shipping and Discharge of Seamen in Foreign Ports; to leaving Seamen abroad, and to the Relief of Seamen in Distress in Foreign Ports; to the Provisions, Health, and Accommodation of Seamen; to the Power of Seamen to make Complaints; to the Protection of Seamen from Imposition; to Discipline; to Naval Courts on the High Seas and abroad; and to Crimes committed abroad; shall apply to all Ships registered in any of Her Majesty's Dominions abroad, when such Ships are out of the Jurisdiction of their respective Governments, and to the Owners, Masters, and Crews of such Ships:

As to whole of Part III. of Act.

And the whole of the Third Part of this Act shall apply to all Sea-going Ships registered in the United Kingdom, (except such as are exclusively employed in fishing on the Coasts of the United Kingdom, and such as belong to the *Trinity House*, the Commissioners of Northern Lighthouses, or the Port of *Dublin* Corporation, and also except Pleasure Yachts,) and also to all Ships registered in any *British* Possession and employed in trading or going between any Place in the United Kingdom and any Place or Places not situate in the Possession in which such Ships are registered, and to the Owners, Masters, and Crews of such Ships respectively, wherever the same may be.

Local Marine Boards.

Constitution of Local Marine Boards.

Local Marine Boards.

110. There shall be Local Marine Boards for carrying into effect the Provisions of this Act under the Superintendence of the Board of Trade at those Seaports of the United Kingdom at which Local Marine Boards have heretofore been established, and at such other Places as the Board of Trade appoints for this Purpose; and each of such Local Marine Boards shall be constituted as follows; (that is to say,) the Mayor or Provost and the Stipendiary

Stipendiary Magistrate or such of the Mayors or Provosts and Stipendiary Magistrates of the Place (if more than One) as the Board of Trade appoints shall be a Member or Members *ex officio;* the Board of Trade shall appoint Four Members from Persons residing or having Places of Business at the Port or within Seven Miles thereof; and the Owners of Foreign-going Ships and of Home Trade Passenger Ships registered at the Port shall elect Six Members; and such Elections as aforesaid shall take place on the Twenty-fifth Day of *January* One thousand eight hundred and fifty-seven, and on the Twenty-fifth Day of *January* in every Third succeeding Year, and such Appointments as aforesaid shall take place within One Month after such Elections; and upon the Conclusion of such Month and the Constitution of a new Board the Functions of the then existing Board shall cease, and the Board consisting of the Members then newly elected and appointed shall take its Place; and any occasional Vacancy caused in the Intervals between the General Elections and Appointments, by Death, Resignation, Disqualification, or otherwise, shall be filled up within One Month after it occurs; and every Person elected or appointed on an occasional Vacancy shall continue a Member until the next Constitution of a new Board; and the Mayor or Provost shall fix the Place and Mode of conducting all such Elections as aforesaid, and also on occasional Vacancies the Day of Election, and shall give at least Ten Days Notice thereof; and the Board of Trade shall have Power to decide any Questions raised concerning any such Elections.

Local Marine Boards.

111. Owners of Foreign-going Ships and of Home Trade Passenger Ships registered at any Seaport at which there is a Local Marine Board shall have Votes at the Election of Members of such Board as follows; (that is to say,) every registered Owner of not less than Two hundred and fifty Tons in the whole of such Shipping shall at every Election have One Vote for each Member for every Two hundred and fifty Tons owned by him, so that his Votes for any One Member do not exceed Ten: And for the Purpose of ascertaining the Qualification of such Electors the following Rules shall be observed; (that is to say,) in the Case of a Ship registered in the Name of One Person, such Person shall be deemed to be the Owner, and in the Case of a Ship registered in distinct and several Shares in the Names of more Persons than One, the Tonnage shall be apportioned among the Owners as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed to be the Owner of the Tonnage so apportioned to him; and in the Case of a Ship or Shares of a Ship registered jointly without Severance of Interest in the Names of more Persons than One,

Qualification of Voters for Members of Local Marine Boards.

Local Marine Boards.

One, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between the joint Owners, and each of such joint Owners shall be deemed to be the Owner of the equal Share so apportioned to him, but if it is not so sufficient, the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners resident or having a Place of Business at the Port or within Seven Miles thereof as is first named on the Register; and in making any such Apportionment as aforesaid any Portion may be struck off so as to obtain a divisible Amount; and the whole Amount of Tonnage so owned by each Person, whether in Ships or Shares of or Interests in Ships, shall be added together, and, if sufficient, shall constitute his Qualification.

Lists of such Voters to be made.

112. The Collector or Comptroller of Customs in every Seaport of the United Kingdom at which there is a Local Marine Board shall, with the Assistance of the Registrar General of Seamen, on or before the Twenty-fifth Day of *December* in the Year One thousand eight hundred and fifty-six, and in every Third succeeding Year, make out an alphabetical List of the Persons entitled by virtue of this Act to vote at the Election of Members of such Local Marine Board, containing the Christian Name, Surname, and Residence of each such Person, and the Number of Votes to which he is entitled, and shall sign such List, and cause a sufficient Number of Copies thereof to be printed, and to be fixed on or near the Doors of the Custom House at such Seaport for Two entire Weeks next after such List has been made, and shall keep true Copies of such List, and permit the same to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such Two Weeks.

Revision of List of Voters.

113. The Mayor or Provost of every Seaport at which there is a Local Marine Board, or such of them, if more than One, as is or are for the Time being so appointed as aforesaid, shall at least Twenty Days before the Twenty-fifth Day of *January* in the Year One thousand eight hundred and fifty-seven, and in each succeeding Third Year, nominate Two Justices of the Peace to revise the said Lists; and such Justices shall, between the Eighth and Fifteenth Days of *January* both inclusive in the Year in which they are so nominated, revise the said List at the Custom House of the Port, or in some convenient Place near thereto, to be hired, if necessary, by the said Collector or Comptroller, and shall give Three clear Days Notice of such Revision by advertising the same in some local Newspaper, and by affixing a Notice thereof on or near to the Doors of such Custom House, and shall make such Revision by inserting in such List the Name

Name of every Person who claims to be inserted therein, and gives Proof satisfactory to the said Revisors of his Right to have his Name so inserted, and by striking out therefrom the Name of every Person to the Insertion of which an Objection is made by any other Person named in such List who gives Proof satisfactory to the said Revisors that the Name of the Person so objected to ought not to have been inserted therein; and the Decision of the said Revisors with respect to every such Claim or Objection shall be conclusive; and the said Revisors shall immediately after such Revision sign their Names at the Foot of the List so revised; and such List so revised shall be the Register of Voters at Elections of Members of the Local Marine Board of such Seaport for Three Years from the Twenty-fifth Day of *January* then next ensuing inclusive to the Twenty-fourth Day of *January* inclusive in the Third succeeding Year; and the said revised List, when so signed, shall be delivered to such Mayor or Provost as aforesaid of the Place, who shall, if necessary, cause a sufficient Number of Copies thereof to be printed, and shall cause a Copy to be delivered to every Voter applying for the same.

Local Marine Boards.

114. The said Collector or Comptroller, if required, shall for the Assistance of the said Revisors in revising the said List produce to them the Books containing the Register of Ships registered at such Seaport; and the Registrar General of Seamen, if required, shall also produce or transmit to such Revisors such certified Extracts or Returns from the Books in his Custody as may be necessary for the same Purpose.

Registers to be produced.

115. The Two Justices aforesaid shall certify all Expenses properly incurred by any such Collector or Comptroller as aforesaid in making and printing the said List and in the Revision thereof, and the Board of Trade shall pay the same, and also all Expenses properly incurred by any such Mayor or Provost as aforesaid in printing the same or in Elections taking place under this Act; and the said Board may disallow any Items of any such Expenses as aforesaid which it deems to have been improperly incurred.

Expenses to be paid by Board of Trade.

116. Every Person whose Name appears on such revised List, and no other Person, shall be qualified to vote at the Election of Members of the Local Marine Board at such Seaport to be held on the Twenty-fifth Day of *January* next after the Revision of such List, and at any occasional Election held at any Time between that Day and the next ordinary triennial Election of the Members of such Board.

Persons on revised List qualified to vote.

Local Marine Boards.

Qualification of Members of Local Marine Boards.

117. Every Male Person who is according to such revised List of the Voters at any Seaport entitled to a Vote shall be qualified to be elected a Member of the Local Marine Board of such Seaport, and no other Person shall be so qualified; and if any Person elected as a Member after such Election ceases to be an Owner of such Quantity of Tonnage as would entitle him to a Vote, he shall no longer continue to act or be considered as a Member, and thereupon another Member shall be elected in his Place.

Error in Elections not to vitiate Acts done.

118. No Act of any Local Marine Board shall be vitiated or prejudiced by reason of any Irregularity in the Election of any of its Members, or of any Error in the List of Voters herein mentioned, or of any Irregularity in the making or revising of such List, or by reason of any Person who is not duly qualified as herein-before directed acting upon such Board.

Minutes and Business of Local Marine Boards.

119. Every Local Marine Board shall keep Minutes of its Proceedings, and the same shall be kept in such Mode (if any) as the Board of Trade prescribes; and such Minutes, and all Books or Documents used or kept by any Local Marine Board, or by any Examiners, Shipping Masters, or other Officers or Servants under the Control of any Local Marine Board, shall be open to the Inspection of the Board of Trade and its Officers; and every Local Marine Board shall make and send to the Board of Trade such Reports and Returns as it requires; but, subject as aforesaid, every Local Marine Board may regulate the Mode in which its Meetings are to be held and its Business conducted.

If any Local Marine Board fails to discharge its Duties, Board of Trade may assume its Duties, or direct a new Election.

120. If any Local Marine Board, by reason of any Election not taking place, or of the simultaneous Resignation or continued Non-attendance of all or the greater Part of the Members, or from any other Cause, fails to meet or to discharge its Duties, the Board of Trade may in its Discretion either take into its own Hands the Performance of the Duties of such Local Marine Board until the next triennial Appointment and Election thereof, or direct that a new Appointment and Election of such Local Marine Board shall take place immediately.

Board of Trade, on Complaint, may alter Arrangements made by Local Marine Boards.

121. If upon Complaint made to the Board of Trade it appears to such Board that any Appointments or Arrangements made by any Local Marine Board under the Powers hereby given to it are not such as to meet the Wants of the Port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify such Appointments or Arrangements in such Manner as, having regard to the Intentions of this Act and to the Wants of the Port, it deems to be expedient.

Shipping

Shipping Offices.

Shipping Offices.

122. In every Seaport in the United Kingdom in which there is a Local Marine Board such Board shall establish a Shipping Office or Shipping Offices, and may for that Purpose, subject as herein mentioned, procure the requisite Premises, and appoint and from Time to Time remove and re-appoint Superintendents of such Offices, to be called Shipping Masters, with any necessary Deputies, Clerks, and Servants, and regulate the Mode of conducting Business at such Offices, and shall, subject as herein mentioned, have complete Control over the same; and every Act done by or before any Deputy duly appointed shall have the same Effect as if done by or before a Shipping Master.

Local Marine Boards to establish Shipping Offices.

123. The Sanction of the Board of Trade shall be necessary so far as regards the Number of Persons so appointed by any such Local Marine Board, and the Amount of their Salaries and Wages and all other Expenses; and the Board of Trade shall have the immediate Control of such Shipping Offices, so far as regards the Receipt and Payment of Money thereat; and all Shipping Masters, Deputies, Clerks, and Servants so appointed as aforesaid shall before entering upon their Duties give such Security (if any) for the due Performance thereof as the Board of Trade requires; and if in any Case the Board of Trade has reason to believe that any Shipping Master, Deputy, Clerk, or Servant appointed by any Local Marine Board does not properly discharge his Duties, the Board of Trade may cause the Case to be investigated, and may, if it thinks fit so to do, remove him from his Office, and may provide for the proper Performance of his Duties until another Person is properly appointed in his Place.

Board of Trade to have partial Control over Shipping Offices.

124. It shall be the general Business of Shipping Masters appointed as aforesaid—

Business of such Offices generally.

To afford Facilities for engaging Seamen by keeping Registries of their Names and Characters;

To superintend and facilitate their Engagement and Discharge in manner herein-after mentioned;

To provide Means for securing the Presence on board at the proper Times of Men who are so engaged;

To facilitate the making of Apprenticeships to the Sea Service;

To perform such other Duties relating to Merchant Seamen and Merchant Ships as are hereby or may hereafter under the Powers herein contained be committed to them.

125. Such Fees, not exceeding the Sums specified in the Table marked P. in the Schedule hereto, as are from Time to Time fixed by the Board of Trade, shall be payable upon all Engagements and Discharges

Fees to be paid upon Engagements and Discharges.

Shipping Offices.

Discharges effected before Shipping Masters as herein-after mentioned, and the Board of Trade shall cause Scales of the Fees payable for the Time being to be prepared and to be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, Clerks, and Servants, may refuse to proceed with any Engagement or Discharge unless the Fees payable thereon are first paid.

Masters to pay Fees, and to deduct Part from Wages.

126. Every Owner or Master of a Ship engaging or discharging any Seamen or Seaman in a Shipping Office or before a Shipping Master shall pay to the Shipping Master the whole of the Fees hereby made payable in respect of such Engagement or Discharge, and may, for the Purpose of in part reimbursing himself, deduct in respect of each such Engagement or Discharge from the Wages of all Persons (except Apprentices) so engaged or discharged, and retain, any Sums not exceeding the Sums specified in that Behalf in the Table marked Q. in the Schedule hereto: Provided that, if in any Cases the Sums which the Owner is so entitled to deduct exceed the Amount of the Fee payable by him, such Excess shall be paid by him to the Shipping Master in addition to such Fee.

Proviso as to Excess.

Penalty on Shipping Masters taking other Remuneration.

127. Any Shipping Master, Deputy Shipping Master, or any Clerk or Servant in any Shipping Office, who demands or receives any Remuneration whatever, either directly or indirectly, for hiring or supplying any Seaman for any Merchant Ship, excepting the lawful Fees payable under this Act, shall for every such Offence incur a Penalty not exceeding Twenty Pounds, and shall also be liable to be dismissed from his Office by the Board of Trade.

Business of Shipping Offices may be transacted at Custom Houses.

128. The Board of Trade may, with the Consent of the Commissioners of Customs, direct that at any Place in which no separate Shipping Office is established the whole or any Part of the Business of the Shipping Office shall be conducted at the Custom House, and thereupon the same shall be there conducted accordingly; and in respect of such Business such Custom House shall for all Purposes be deemed to be a Shipping Office, and the Officer of Customs there to whom such Business is committed shall for all Purposes be deemed to be a Shipping Master within the Meaning of this Act.

In London Sailors Homes may be Shipping Offices.

129. The Board of Trade may appoint any Superintendent of or other Person connected with any Sailors Home in the Port of *London* to be a Shipping Master, with any necessary Deputies, Clerks, and Servants, and may appoint any Office in any such Home to be a Shipping Office; and all Shipping Masters and Shipping Offices so appointed

appointed shall be subject to the immediate Control of the Board of Trade and not of the Local Marine Board of the Port.

Shipping Officers.

130. The Board of Trade may from Time to Time dispense with the Transaction before a Shipping Master or in a Shipping Office of any Matters required by this Act to be so transacted; and thereupon such Matters shall, if otherwise duly transacted as required by Law, be as valid as if transacted before a Shipping Master or in a Shipping Office.

Dispensation with Shipping Master's Superintendence.

Examinations and Certificates of Masters and Mates.

Certificates of Masters and Mates.

131. Examinations shall be instituted for Persons who intend to become Masters or Mates of Foreign-going Ships, or of Home Trade Passenger Ships, or who wish to procure Certificates of Competency herein-after mentioned; and, subject as herein mentioned, the Local Marine Boards shall provide for the Examinations at their respective Ports, and may appoint and from Time to Time remove and re-appoint Examiners to conduct the same, and may regulate the same; and any Members of the Local Marine Board of the Place where the Examination is held may be present and assist at any such Examination.

Examinations to be instituted for Masters and Mates.

132. The Board of Trade may from Time to Time lay down Rules as to the Conduct of such Examinations and as to the Qualifications of the Applicants, and such Rules shall be strictly adhered to by all Examiners; and no Examiner shall be appointed unless he possesses a Certificate of Qualification, to be from Time to Time granted or renewed by the Board of Trade; and the Sanction of the Board of Trade shall be necessary, so far as regards the Number of Examiners to be appointed, and the Amount of their Remuneration; and the Board of Trade may at any Time depute any of its Officers to be present and assist at any Examination; and if it appears to the Board of Trade that the Examinations for any Two or more Ports can be conducted without Inconvenience by the same Examiners, it may require and authorize the Local Marine Boards of such Ports to act together as One Board in providing for and regulating Examinations and appointing and removing Examiners for such Ports.

Powers of Board of Trade over Examinations.

133. All Applicants for Examination shall pay such Fees, not exceeding the Sums specified in the Table marked R. in the Schedule hereto, as the Board of Trade directs; and such Fees shall be paid to such Persons as the said Board appoints for that Purpose.

Fees to be paid by Applicants for Examination.

134. Subject to the Proviso herein-after contained, the Board of Trade shall deliver to every Applicant who is duly reported by the Local

Certificates of Competency to be granted to

Certificates of Masters and Mates.

those who pass

Local Examiners to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, Ability, and general good Conduct on board Ship, a Certificate (herein-after called a "Certificate of Competency") to the Effect that he is competent to act as Master, or as First, Second, or only Mate of a Foreign-going Ship, or as Master or Mate of a Home Trade Passenger Ship, as the Case may be: Provided that in every Case in which the Board of Trade has Reason to believe such Report to have been unduly made, such Board may remit the Case either to the same or to any other Examiners, and may require a Re-examination of the Applicant, or a further Inquiry into his Testimonials and Character, before granting him a Certificate.

Certificates of Service to be delivered to Persons who served as Masters or Mates before 1851, and to certain Naval Officers; and Certificates of Service for Home Trade Passenger Ships to be delivered to Persons who have served as Masters or Mates in such Ships before 1st January 1854.

135. Certificates of Service, differing in Form from Certificates of Competency, shall be granted as follows; (that is to say),

(1.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-one served as Master in the *British* Merchant Service, or who has attained or attains the Rank of Lieutenant, Master, Passed Mate, or Second Master, or any higher Rank in the Service of Her Majesty or of the *East India* Company, shall be entitled to a Certificate of Service as Master for Foreign-going Ships:

(2.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-one served as Mate in the *British* Merchant Service shall be entitled to a Certificate of Service as Mate for Foreign-going Ships:

(3.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-four has served as Master of a Home Trade Passenger Ship shall be entitled to a Certificate of Service as Master for Home Trade Passenger Ships:

(4.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-four has served as Mate of a Home Trade Passenger Ship shall be entitled to a Certificate of Service as Mate for Home Trade Passenger Ships:

And each of such Certificates of Service shall contain Particulars of the Name, Place, and Time of Birth, and of the Length and Nature of the previous Service of the Person to whom the same is delivered; and the Board of Trade shall deliver such Certificates of Service to the various Persons so respectively entitled thereto, upon their proving themselves to have attained such Rank or to have served as aforesaid, and upon their giving a full and satisfactory Account of the Particulars aforesaid.

No Foreign-going Ship or Home

136. No Foreign-going Ship or Home Trade Passenger Ship shall go to Sea from any Port in the United Kingdom unless the Master thereof,

thereof, and in the Case of a Foreign-going Ship the First and Second Mates or Only Mate (as the Case may be), and in the Case of a Home Trade Passenger Ship the First or Only Mate (as the Case may be), have obtained and possess valid Certificates either of Competency or Service appropriate to their several Stations in such Ship, or of a higher Grade; and no such Ship, if of One hundred Tons Burden or upwards, shall go to Sea as aforesaid, unless at least One Officer besides the Master has obtained and possesses a valid Certificate appropriate to the Grade of Only Mate therein or to a higher Grade; and every Person who, having been engaged to serve as Master or as First or Second or Only Mate of any Foreign-going Ship, or as Master or First or Only Mate of a Home Trade Passenger Ship, goes to Sea as aforesaid as such Master or Mate without being at the Time entitled to and possessed of such a Certificate as hereinbefore required, or who employs any Person as Master, or First, Second, or Only Mate of any Foreign-going Ship, or as Master or First or Only Mate of a Home Trade Passenger Ship, without ascertaining that he is at the Time entitled to and possessed of such Certificate, shall for each such Offence incur a Penalty not exceeding Fifty Pounds.

Certificates of Masters and Mates.

Trade Passenger Ship to proceed to Sea without Certificates of the Master and Mates.

137. Every Certificate of Competency for a Foreign-going Ship shall be deemed to be of a higher Grade than the corresponding Certificate for a Home Trade Passenger Ship, and shall entitle the lawful Holder thereof to go to Sea in the corresponding Grade in such last-mentioned Ship; but no Certificate for a Home Trade Passenger Ship shall entitle the Holder to go to Sea as Master or Mate of a Foreign-going Ship.

Certificates for Foreign-going Ships available for Home Trade Passenger Ships.

138. All Certificates, whether of Competency or Service, shall be made in Duplicate, and one Part shall be delivered to the Person entitled to the Certificate, and the other shall be kept and recorded by the Registrar General of Seamen or by such other Person as the Board of Trade appoints for that Purpose; and the Board of Trade shall give to such Registrar or such other Person immediate Notice of all Orders made by it for cancelling, suspending, altering, or otherwise affecting any Certificate in pursuance of the Powers herein contained; and the Registrar or such other Person as aforesaid shall thereupon make a corresponding Entry in the Record of Certificates; and a Copy purporting to be certified by such Registrar or his Assistant or by such Person as aforesaid of any Certificate shall be *primâ facie* Evidence of such Certificate, and a Copy purporting to be so certified as aforesaid of any Entry made as aforesaid in respect of any Certificate shall be *primâ facie* Evidence of the Truth of the Matters stated in such Entry.

The Registrar to record Grants, Cancellations, &c. of Certificates.

Duplicates and Entries to be Evidence.

139. Whenever

Certificates of Masters and Mates.

In case of Loss a Copy to be granted.

139. Whenever any Master or Mate proves to the Satisfaction of the Board of Trade that he has, without Fault on his Part, lost or been deprived of any Certificate already granted to him, the Board of Trade shall, upon Payment of such Fee (if any) as it directs, cause a Copy of the Certificate to which by the Record so kept as aforesaid he appears to be entitled, to be made out and certified as aforesaid, and to be delivered to him; and any Copy which purports to be so made and certified as aforesaid shall have all the Effect of the Original.

Penalties for false Representations;

for forging or altering or fraudulently using or lending any Certificate.

140. Every Person who makes, or procures to be made, or assists in making, any false Representation for the Purpose of obtaining for himself or for any other Person a Certificate either of Competency or Service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such Certificate or any official Copy of any such Certificate, or who fraudulently makes use of any such Certificate or any Copy of any such Certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his Certificate to or allows the same to be used by any other Person, shall for each Offence be deemed guilty of a Misdemeanor.

Apprenticeships to Sea Service.

Shipping Masters to assist in binding Apprentices, and may receive Fees.

Apprenticeships to the Sea Service.

141. All Shipping Masters appointed under this Act shall, if applied to for the Purpose, give to any Board of Guardians, Overseers, or other Persons desirous of apprenticing Boys to the Sea Service, and to Masters and Owners of Ships requiring Apprentices, such Assistance as is in their Power for facilitating the making of such Apprenticeships, and may receive from Persons availing themselves of such Assistance such Fees as may be determined in that Behalf by the Board of Trade, with the Concurrence, so far as relates to Pauper Apprentices in *England*, of the Poor Law Board in *England*, and so far as relates to Pauper Apprentices in *Ireland*, of the Poor Law Commissioners in *Ireland*.

Indentures of Boys bound Apprentices to Sea Service by Guardians or Overseers to be witnessed by Two Justices.

142. In the Case of every Boy bound Apprentice to the Sea Service by any Guardians or Overseers of the Poor, or other Persons having the Authority of Guardians of the Poor, the Indentures shall be executed by the Boy and the Person to whom he is bound in the Presence of and shall be attested by Two Justices of the Peace, who shall ascertain that the Boy has consented to be bound, and has attained the Age of Twelve Years, and is of sufficient Health and Strength, and that the Master to whom the Boy is to be bound is a proper Person for the Purpose.

Indentures of Apprenticeship to be

143. All Indentures of Apprenticeship to the Sea Service shall be exempt from Stamp Duty; and all such Indentures shall be in Duplicate;

Apprenticeships to Sea Service.

exempt from Stamp Duty, and to be recorded.

cate; and every Person to whom any Boy whatever is bound as an Apprentice to the Sea Service in the United Kingdom shall within Seven Days after the Execution of the Indentures take or transmit the same to the Registrar General of Seamen or to some Shipping Master; and the said Registrar or Shipping Master shall retain and record One Copy, and shall indorse on the other that the same has been recorded, and shall re-deliver the same to the Master of the Apprentice; and whenever any such Indenture is assigned or cancelled, and whenever any such Apprentice dies or deserts, the Master of the Apprentice shall, within Seven Days after such Assignment, Cancellation, Death, or Desertion, if the same happens within the United Kingdom, or if the same happens elsewhere, so soon afterwards as Circumstances permit, notify the same either to the said Registrar of Seamen, or to some Shipping Master, to be recorded; and every Person who fails to comply with the Provisions of this Section shall incur a Penalty not exceeding Ten Pounds.

Rules to govern Apprenticeship of Paupers in Great Britain and Ireland respectively.

144. Subject to the Provisions herein-before contained, all Apprenticeships to the Sea Service made by any Guardians or Overseers of the Poor, or Persons having the Authority of Guardians of the Poor, shall, if made in *Great Britain*, be made in the same Manner and be subject to the same Laws and Regulations as other Apprenticeships made by the same Persons, and if made in *Ireland* shall be subject to the following Rules; (that is to say,)

(1.) In every Union the Guardians of the Poor, or other Persons duly appointed to carry into execution the Acts for the Relief of the destitute Poor and having the Authority of Guardians of the Poor, may put out and bind as an Apprentice to the Sea Service any Boy who or whose Parent or Parents is or are receiving Relief in such Union, and who has attained the Age of Twelve Years, and is of sufficient Health and Strength, and who consents to be so bound:

(2.) If the Cost of relieving any such Boy is chargeable to an Electoral Division of a Union, then (except in Cases in which paid Officers act in Place of Guardians) he shall not be bound as aforesaid unless the Consent in Writing of the Guardians of such Electoral Division or of a Majority of the Guardians (if more than One) be first obtained, such Consent to be, when possible, indorsed upon the Indentures:

(3.) The Expense incurred in the Binding and Outfit of any such Apprentice shall be charged to the Union or Electoral Division (as the Case may be) to which the Boy or his Parent or Parents is or are chargeable at the Time of his being apprenticed:

(4.) All Indentures made in any Union may be sued upon by the Guardians of the Union or Persons having the Authority of

Apprenticeships to Sea Service.

Guardians therein for the Time being, by their Name of Office, and Actions brought by them upon such Indentures shall not abate by reason of Death or Change in the Persons holding the Office; but no such Action shall be commenced without the Consent of the *Irish* Poor Law Commissioners:

(5.) The Amount of the Costs incurred in any such Action and not recovered from the Defendant therein, may be charged upon the Union or Electoral Division (as the Case may be) to which the Boy or his Parent or Parents was or were chargeable at the Time of his being apprenticed.

Apprentices and their Indentures to be brought before Shipping Master before each Voyage in a Foreign-going Ship.

145. The Master of every Foreign-going Ship shall, before carrying any Apprentice to Sea from any Place in the United Kingdom, cause such Apprentice to appear before the Shipping Master before whom the Crew is engaged, and shall produce to him the Indenture by which such Apprentice is bound, and the Assignment or Assignments thereof (if any); and the Name of such Apprentice, with the Date of the Indenture and of the Assignment or Assignments thereof (if any), and the Name of the Port or Ports at which the same have been registered, shall be entered on the Agreement; and for any Default in obeying the Provisions of this Section the Master shall for each Offence incur a Penalty not exceeding Five Pounds.

Engagement of Seamen.

Engagement of Seamen.

Board of Trade may license Persons to procure Seamen.

146. The Board of Trade may grant to such Persons as it thinks fit Licences to engage or supply Seamen or Apprentices for Merchant Ships in the United Kingdom, to continue for such Periods, to be upon such Terms, and to be revocable upon such Conditions, as such Board thinks proper.

alties:

147. The following Offences shall be punishable as herein-after mentioned; (that is to say,)

for supplying Seamen without Li-

(1.) If any Person not licensed as aforesaid, other than the Owner or Master or a Mate of the Ship, or some Person who is *bonâ fide* the Servant and in the constant Employ of the Owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any Seaman or Apprentice to be entered on board any Ship in the United Kingdom, he shall for each Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds:

for employing unlicensed Persons;

(2.) If any Person employs any unlicensed Person, other than Persons so excepted as aforesaid, for the Purpose of engaging or supplying any Seaman or Apprentice to be entered on board any Ship in the United Kingdom, he shall for each Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds, and if licensed shall in addition forfeit his Licence:

(3.) If

(3.) If any Person knowingly receives or accepts to be entered on board any Ship any Seaman or Apprentice who has been engaged or supplied contrary to the Provisions of this Act, he shall for every Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds.

Engagement of Seamen — for receiving Seamen illegally supplied.

148. If any Person demands or receives, either directly or indirectly, from any Seaman or Apprentice, or from any Person seeking Employment as a Seaman or Apprentice, or from any Person on his Behalf, any Remuneration whatever, other than the Fees hereby authorized, for providing him with Employment, he shall for every such Offence incur a Penalty not exceeding Five Pounds.

Penalty for receiving Remuneration from Seamen for shipping them.

149. The Master of every Ship, except Ships of less than Eighty Tons registered Tonnage exclusively employed in trading between different Ports on the Coasts of the United Kingdom, shall enter into an Agreement with every Seaman whom he carries to Sea from any Port in the United Kingdom as One of his Crew in the Manner herein-after mentioned; and every such Agreement shall be in a Form sanctioned by the Board of Trade, and shall be dated at the Time of the first Signature thereof, and shall be signed by the Master before any Seaman signs the same, and shall contain the following Particulars as Terms thereof; (that is to say,)

Agreements to be made with Seamen, containing certain Particulars.

(1.) The Nature, and, as far as practicable, the Duration of the intended Voyage or Engagement:

(2.) The Number and Description of the Crew, specifying how many are engaged as Sailors:

(3.) The Time at which each Seaman is to be on board or to begin Work:

(4.) The Capacity in which each Seaman is to serve:

(5.) The Amount of Wages which each Seaman is to receive:

(6.) A Scale of the Provisions which are to be furnished to each Seaman:

(7.) Any Regulations as to Conduct on board, and as to Fines, short Allowance of Provisions, or other lawful Punishments for Misconduct, which have been sanctioned by the Board of Trade as Regulations proper to be adopted, and which the Parties agree to adopt:

And every such Agreement shall be so framed as to admit of Stipulations, to be adopted at the Will of the Master and Seaman in each Case, as to Advance and Allotment of Wages, and may contain any other Stipulations which are not contrary to Law: Provided that if the Master of any Ship belonging to any *British* Possession has an Agreement with his Crew made in due Form according to the Law of the Possession to which such Ship belongs or in which her Crew were engaged, and engages single Seamen in the United Kingdom, such Seamen may sign the Agreement so made, and it shall not be necessary

Proviso as to Forms for Colonial Ships.

Engagement of Seamen.

necessary for them to sign an Agreement in the Form sanctioned by the Board of Trade.

For Foreign-going Ships such Agreements, when made in the United Kingdom, except in special Cases, to be made before and attested by a Shipping Master;

150. In the Case of all Foreign-going Ships, in whatever Part of Her Majesty's Dominions the same are registered, the following Rules shall be observed with respect to Agreements; (that is to say,)

(1.) Every Agreement made in the United Kingdom (except in such Cases of Agreements with Substitutes as are herein-after specially provided for) shall be signed by each Seaman in the Presence of a Shipping Master:

(2.) Such Shipping Master shall cause the Agreement to be read over and explained to each Seaman, or otherwise ascertain that each Seaman understands the same before he signs it, and shall attest each Signature:

To be in Duplicate;

(3.) When the Crew is first engaged the Agreement shall be signed in Duplicate, and one Part shall be retained by the Shipping Master, and the other Part shall contain a special Place or Form for the Descriptions and Signatures of Substitutes or Persons engaged subsequently to the First Departure of the Ship, and shall be delivered to the Master:

Provision for Substitutes.

(4.) In the Case of Substitutes engaged in the Place of Seamen who have duly signed the Agreement, and whose Services are lost within Twenty-four Hours of the Ship's putting to Sea by Death, Desertion, or other unforeseen Cause, the Engagement shall, when practicable, be made before some Shipping Master duly appointed in the Manner herein-before specified; and whenever such last-mentioned Engagement cannot be so made, the Master shall, before the Ship puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over and explained to the Seamen; and the Seamen shall thereupon sign the same in the Presence of a Witness, who shall attest their Signatures.

Foreign-going Ships making short Voyages may have running Agreements.

151. In the Case of Foreign-going Ships making Voyages averaging less than Six Months in Duration, running Agreements with the Crew may be made to extend over Two or more Voyages, so that no such Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December* or the First Arrival of the Ship at her Port of Destination in the United Kingdom after such Date, or the Discharge of Cargo consequent upon such Arrival; and every Person entering into such Agreement, whether engaged upon the First Commencement thereof or otherwise, shall enter into and sign the same in the Manner hereby required for other Foreign-going Ships; and every Person engaged thereunder, if discharged in the United Kingdom, shall be discharged in the Manner hereby required for the Discharge of Seamen belonging to other Foreign-going Ships.

152. The

Engagement of Seamen.

Engagement and Discharge of Seamen in the meantime.

152. The Master of every Foreign-going Ship for which such a running Agreement as aforesaid is made shall, upon every Return to any Port in the United Kingdom before the final Termination of the Agreement, discharge or engage before the Shipping Master at such Port any Seaman whom he is required by Law so to discharge or engage, and shall upon every such Return indorse on the Agreement a Statement (as the Case may be) either that no such Discharges or Engagements have been made or are intended to be made before the Ship again leaves Port, or that all such Discharges or Engagements have been duly made as herein-before required, and shall deliver the Agreement so indorsed to the Shipping Master; and any Master who wilfully makes a false Statement in such Indorsement shall incur a Penalty not exceeding Twenty Pounds; and the Shipping Master shall also sign an Indorsement on the Agreement to the Effect that the Provisions of this Act relating to such Agreement have been complied with, and shall re-deliver the Agreement so indorsed to the Master.

Duplicates of running Agreements, how to be dealt with.

153. In Cases in which such running Agreements are made, the Duplicate Agreement retained by the Shipping Master upon the First Engagement of the Crew shall either be transmitted to the Registrar General of Seamen immediately, or be kept by the Shipping Master until the Expiration of the Agreement, as the Board of Trade directs.

Fees to be paid on such running Agreements.

154. For the Purpose of determining the Fees to be paid upon the Engagement and Discharge of Seamen belonging to Foreign-going Ships which have running Agreements as aforesaid, the Crew shall be considered to be engaged when the Agreement is first signed, and to be discharged when the Agreement finally terminates, and all intermediate Engagements and Discharges shall be considered to be Engagements and Discharges of single Seamen.

In Home Trade Ships Agreement to be entered into before a Shipping Master or other Witness.

155. In the Case of Home Trade Ships, Crews or single Seamen may, if the Master thinks fit, be engaged before a Shipping Master in the Manner herein-before directed with respect to Foreign-going Ships; and in every Case in which the Engagement is not so made, the Master shall, before the Ship puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over and explained to each Seaman, and the Seaman shall thereupon sign the same in the Presence of a Witness, who shall attest his Signature.

Special Agreements for Home Trade Ships belonging to same Owners.

156. In Cases where several Home Trade Ships belong to the same Owner, the Agreement with the Seamen may, notwithstanding anything herein contained, be made by the Owner instead of by the Master, and the Seamen may be engaged to serve in any Two or more

Engagement of Seamen

more of such Ships, provided that the Names of the Ships and the Nature of the Service are specified in the Agreement; but with the foregoing Exception all Provisions herein contained which relate to ordinary Agreements for Home Trade Ships shall be applicable to Agreements made in pursuance of this Section.

Penalty for shipping Seamen without Agreement duly executed

157. If in any Case a Master carries any Seaman to Sea without entering into an Agreement with him in the Form and Manner and at the Place and Time hereby in such Case required, the Master in the Case of a Foreign-going Ship, and the Master or Owner in the Case of a Home Trade Ship, shall for each such Offence incur a Penalty not exceeding Five Pounds.

Changes in Crew to be reported

158. The Master of every Foreign-going Ship of which the Crew has been engaged before a Shipping Master shall before finally leaving the United Kingdom sign and send to the nearest Shipping Master a full and accurate Statement in a Form sanctioned by the Board of Trade of every Change which takes place in his Crew before finally leaving the United Kingdom, and in default shall for each Offence incur a Penalty not exceeding Five Pounds; and such Statement shall be admissible in Evidence, subject to all just Exceptions.

Seamen engaged in the Colonies to be shipped before some Shipping Master or Officer of Customs

159. Every Master of a Ship who, if such Ship is registered in the United Kingdom engages any Seaman in any *British* Possession, or if such Ship belongs to any *British* Possession engages any Seaman in any *British* Possession other than that to which the Ship belongs, shall, if there is at the Place where such Seaman is engaged any official Shipping Master or other Officer duly appointed for the Purpose of shipping Seamen, engage such Seaman before such Shipping Master, and if there is no such Shipping Master or Officer, then before some Officer of Customs; and the same Rules, Qualifications, and Penalties as are herein-before specified with respect to the Engagement of Seamen before Shipping Masters in the United Kingdom shall apply to such Engagements in a *British* Possession; and upon every such Engagement such Shipping Master or Officer as aforesaid shall indorse upon the Agreement an Attestation to the Effect that the same has been signed in his Presence, and otherwise made as hereby required; and if in any Case such Attestation is not made, the Burden of proving that the Seaman was duly engaged as hereby required shall lie upon the Master.

Seamen engaged in Foreign Ports to be shipped with the Sanction and in the Pre-

160. Every Master of a *British* Ship who engages any Seaman at any Place out of Her Majesty's Dominions in which there is a *British* Consular Officer shall, before carrying such Seaman to Sea, procure the Sanction of such Officer, and shall engage such Seaman before such Officer; and the same Rules as are herein-before contained with respect

respect to the Engagement of Seamen before Shipping Masters in the United Kingdom shall apply to such Engagements made before Consular Officers; and upon every such Engagement the Consular Officer shall indorse upon the Agreement his Sanction thereof, and an Attestation to the Effect that the same has been signed in his Presence, and otherwise made as hereby required; and every Master who engages any Seaman in any Place in which there is a Consular Officer, otherwise than as herein-before required, shall incur a Penalty not exceeding Twenty Pounds; and if in any Case the Indorsement and Attestation hereby required is not made upon the Agreement, the Burden of proving the Engagement to have been made as herein-before required shall lie upon the Master.

Engagement of Seamen.

sence of the Consul.

161. The following Rules shall be observed with respect to the Production of Agreements and Certificates of Competency or Service for Foreign-going Ships; (that is to say,)

Rules as to Production of Agreements and Certificates of Masters and Mates of Foreign-going Ships

(1.) The Master of every Foreign-going Ship shall, on signing the Agreement with his Crew, produce to the Shipping Master before whom the same is signed the Certificates of Competency or Service which the said Master and his First and Second Mate or Only Mate, as the Case may be, are hereby required to possess; and upon such Production being duly made, and the Agreement being duly executed as hereby required, the Shipping Master shall sign and give to the Master a Certificate to that Effect:

(2.) In the Case of running Agreements for Foreign-going Ships the Shipping Master shall, before the Second and every subsequent Voyage made after the First Commencement of the Agreement, sign and give to the Master, on his complying with the Provisions herein contained with respect to such Agreements, and producing to the Shipping Master the Certificate of Competency or Service of any First, Second, or Only Mate then first engaged by him, a Certificate to that Effect:

(3.) The Master of every Foreign-going Ship shall, before proceeding to Sea, produce the Certificate so to be given to him by the Shipping Master as aforesaid to the Collector or Comptroller of Customs, and no Officer of Customs shall clear any such Ship Outwards without such Production; and if any such Ship attempts to go to Sea without a Clearance, any such Officer may detain her until such Certificate as aforesaid is produced:

(4.) The Master of every Foreign-going Ship shall, within Forty-eight Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom, or upon the Discharge of the Crew, whichever first happens, deliver such Agreement to a Shipping

Engagement of Seamen.

Shipping Master at the Place; and such Shipping Master shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear any Foreign-going Ship Inwards without the Production of such Certificate:

And if the Master of any Foreign-going Ship fails to deliver the Agreement to a Shipping Master at the Time and in the Manner hereby directed, he shall for every Default incur a Penalty not exceeding Five Pounds.

162. The following Rules shall be observed with respect to the Production of Agreements and Certificates of Competency or Service for Home Trade Ships; (that is to say,)

Rules as to Production of Agreements and Certificates for Home Trade Ships

(1.) In the Case of Home Trade Ships of more than Eighty Tons Burden, no Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December*, or the First Arrival of the Ship at her final Port of Destination in the United Kingdom after such Date, or the Discharge of Cargo consequent upon such Arrival:

(2.) The Master or Owner of every such Ship shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master in the United Kingdom every Agreement made within the Six Calendar Months next preceding such Days respectively, and shall also in the Case of Home Trade Passenger Ships produce to the Shipping Master the Certificates of Competency or Service which the said Master, and his First or Only Mate, as the Case may be, are hereby required to possess:

(3.) The Shipping Master shall thereupon give to the Master or Owner a Certificate of such Delivery and Production; and no Officer of Customs shall grant a Clearance or Transire for any such Ship as last aforesaid without the Production of such Certificate; and if any such Ship attempts to ply or go to Sea without such Clearance or Transire, any such Officer may detain her until the said Certificate is produced:

And if the Agreement for any Home Trade Ship is not delivered or transmitted by the Master or Owner to a Shipping Master at the Time and in the Manner hereby directed, such Master or Owner shall for every Default incur a Penalty not exceeding Five Pounds.

Alterations to be void unless attested to have been

163. Every Erasure, Interlineation, or Alteration in any such Agreement with Seamen as is required by the Third Part of this Act (except Additions so made as herein-before directed for shipping Substitutes

Engagement of Seamen.

or Persons engaged subsequently to the First Departure of the Ship) shall be wholly inoperative, unless proved to have been made with the Consent of all the Persons interested in such Erasure, Interlineation, or Alteration by the written Attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public Functionary, or (if made out of Her Majesty's Dominions) of a *British* Consular Officer, or, where there is no such Officer, of Two respectable *British* Merchants.

made with the Consent of all Parties.

164. Every Person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false Entry in, or delivers, assists in delivering, or procures to be delivered, a false Copy of any Agreement, shall for each such Offence be deemed guilty of a Misdemeanor.

Penalty for falsifying Agreement.

165. Any Seaman may bring forward Evidence to prove the Contents of any Agreement or otherwise to support his Case, without producing or giving Notice to produce the Agreement or any Copy thereof.

Seamen not to be bound to produce Agreement.

166. The Master shall at the Commencement of every Voyage or Engagement cause a legible Copy of the Agreement (omitting the Signatures) to be placed or posted up in such Part of the Ship as to be accessible to the Crew, and in default shall for each Offence incur a Penalty not exceeding Five Pounds.

Copy of Agreement to be made accessible to Crew.

167. Any Seaman who has signed an Agreement, and is afterwards discharged before the Commencement of the Voyage, or before One Month's Wages are earned, without Fault on his Part justifying such Discharge and without his Consent, shall be entitled to receive from the Master or Owner, in addition to any Wages he may have earned, due Compensation for the Damage thereby caused to him, not exceeding One Month's Wages, and may, on adducing such Evidence as the Court hearing the Case deems satisfactory of his having been so improperly discharged as aforesaid, recover such Compensation as if it were Wages duly earned.

Seamen discharged before Voyage to have Compensation.

Allotment of Wages.

Allotment of Wages.

168. All Stipulations for the Allotment of any Part of the Wages of a Seaman during his Absence which are made at the Commencement of the Voyage shall be inserted in the Agreement, and shall state the Amounts and Times of the Payments to be made; and all Allotment Notes shall be in Forms sanctioned by the Board of Trade.

Regulations as to Allotment Notes.

169. The

Allotment of Wages.

Allotment Notes may be sued on summarily by certain Persons and under certain Conditions.

169. The Wife, or the Father or Mother, or the Grandfather or Grandmother, or any Child or Grandchild, or any Brother or Sister of any Seaman in whose Favour an Allotment Note of Part of the Wages of such Seaman is made, may, unless the Seaman is shown in manner herein-after mentioned to have forfeited or ceased to be entitled to the Wages out of which the Allotment is to be paid, and subject, as to the Wife, to the Provision herein-after contained, sue for and recover the Sums allotted by the Note when and as the same are made payable, with Costs, from the Owner or any Agent who has authorized the drawing of the Note, either in the County Court or in the summary Manner in which Seamen are by this Act enabled to sue for and recover Wages not exceeding Fifty Pounds; and in any such Proceeding it shall be sufficient for the Claimant to prove that he or she is the Person mentioned in the Note, and that the Note was given by the Owner or by the Master or some other authorized Agent; and the Seaman shall be presumed to be duly earning his Wages, unless the contrary is shown to the Satisfaction of the Court, either by the official Statement of the Change in the Crew caused by his Absence made and signed by the Master, as by this Act is required, or by a duly certified Copy of some Entry in the official Log Book to the Effect that he has left the Ship, or by a credible Letter from the Master of the Ship to the same Effect, or by such other Evidence, of whatever Description, as the Court in its absolute Discretion considers sufficient to show satisfactorily that the Seaman has ceased to be entitled to the Wages out of which the Allotment is to be paid: Provided that the Wife of any Seaman who deserts her Children, or so misconducts herself as to be undeserving of Support from her Husband, shall thereupon forfeit all Right to further Payments of any Allotment of his Wages which has been made in her Favour.

Discharge and Payment of Wages.

Discharge from Foreign-going Ships to be made before Shipping Master.

Discharge and Payment of Wages.

170. In the Case of all *British* Foreign-going Ships, in whatever Part of Her Majesty's Dominions the same are registered, all Seamen discharged in the United Kingdom shall be discharged and receive their Wages in the Presence of a Shipping Master duly appointed under this Act, except in Cases where some competent Court otherwise directs; and any Master or Owner of any such Ship who discharges any Seaman belonging thereto, or, except as aforesaid, pays his Wages within the United Kingdom in any other Manner, shall incur a Penalty not exceeding Ten Pounds; and in the Case of Home Trade Ships Seamen may, if the Owner or Master so desires, be discharged and receive their Wages in like Manner.

171. Every

Discharge and Payment of Wages.

Master to deliver Account of Wages.

171. Every Master shall, not less than Twenty-four Hours before paying off or discharging any Seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true Account in a Form sanctioned by the Board of Trade of his Wages and of all Deductions to be made therefrom on any Account whatever, and in default shall for each Offence incur a Penalty not exceeding Five Pounds; and no Deduction from the Wages of any Seaman (except in respect of any Matter happening after such Delivery) shall be allowed unless it is included in the Account so delivered; and the Master shall during the Voyage enter the various Matters in respect of which such Deductions are made, with the Amounts of the respective Deductions, as they occur, in a Book to be kept for that Purpose, and shall, if required, produce such Book at the Time of the Payment of Wages, and also upon the Hearing before any competent Authority of any Complaint or Question relating to such Payments.

On Discharge, Masters to give Seamen Certificates of Discharge, and return Certificates of Competency or Service to Mates.

172. Upon the Discharge of any Seaman, or upon Payment of his Wages, the Master shall sign and give him a Certificate of his Discharge, in a Form sanctioned by the Board of Trade, specifying the Period of his Service and the Time and Place of his Discharge; and if any Master fails to sign and give to any such Seaman such Certificate of Discharge he shall for each such Offence incur a Penalty not exceeding Ten Pounds; and the Master shall also, upon the Discharge of every Certificated Mate whose Certificate of Competency or Service has been delivered to and retained by him, return such Certificate, and shall in default incur a Penalty not exceeding Twenty Pounds.

Shipping Master may decide Questions which Parties refer to him

173. Every Shipping Master shall hear and decide any Question whatever between a Master or Owner and any of his Crew which both Parties agree in Writing to submit to him; and every Award so made by him shall be binding on both Parties, and shall in any legal Proceeding which may be taken in the Matter before any Court of Justice be deemed to be conclusive as to the Rights of the Parties; and no such Submission or Award shall require a Stamp; and any Document purporting to be such Submission or Award shall be *primâ facie* Evidence thereof.

Master and others to produce Ship's Papers to Shipping Masters, and give Evidence.

174. In any Proceeding relating to the Wages, Claims, or Discharge of any Seaman carried on before any Shipping Master under the Provisions of this Act, such Shipping Master may call upon the Owner or his Agent, or upon the Master or any Mate or other Member of the Crew, to produce any Log Books, Papers, or other Documents in their respective Possession or Power relating to any Matter

Discharge and Payment of Wages.

Matter in question in such Proceeding, and may call before him, and examine any of such Persons being then at or near the Place on any such Matter; and every Owner, Agent, Master, Mate, or other Member of the Crew who when called upon by the Shipping Master does not produce any such Paper or Document as aforesaid, if in his Possession or Power, or does not appear and give Evidence, shall, unless he shows some reasonable Excuse for such Default, for each such Offence incur a Penalty not exceeding Five Pounds.

Settlement of Wages.

175. The following Rules shall be observed with respect to the Settlement of Wages; (that is to say,)

Release to be signed before and attested by the Shipping Master;

(1.) Upon the Completion before a Shipping Master of any Discharge and Settlement, the Master or Owner and each Seaman shall respectively in the Presence of the Shipping Master sign in a Form sanctioned by the Board of Trade a mutual Release of all Claims in respect of the past Voyage or Engagement, and the Shipping Master shall also sign and attest it, and shall retain and transmit it as herein directed:

To be Discharge;

(2.) Such Release so signed and attested shall operate as a mutual Discharge and Settlement of all Demands between the Parties thereto in respect of the past Voyage or Engagement:

and to be Evidence.

(3.) A Copy of such Release certified under the Hand of such Shipping Master to be a true Copy shall be given by him to any Party thereto requiring the same; and such Copy shall be receivable in Evidence upon any future Question touching such Claims as aforesaid, and shall have all the Effect of the Original of which it purports to be a Copy:

No other Receipt to be a Discharge.

(4.) In Cases in which Discharge and Settlement before a Shipping Master are hereby required, no Payment, Receipt, Settlement, or Discharge otherwise made shall operate or be admitted as Evidence of the Release or Satisfaction of any Claim:

Voucher to be given to Master, and to be Evidence.

(5.) Upon any Payment being made by a Master before a Shipping Master, the Shipping Master shall, if required, sign and give to such Master a Statement of the whole Amount so paid; and such Statement shall as between the Master and his Employer be received as Evidence that he has made the Payments therein mentioned.

Master to make Reports of Character.

176. Upon every Discharge effected before a Shipping Master the Master shall make and sign in a Form sanctioned by the Board of Trade a Report of the Conduct, Character, and Qualifications of the Persons discharged, or may state in a Column to be left for that Purpose in the said Form that he declines to give any Opinion upon such Particulars or upon any of them; and the Shipping Master shall transmit the same to the Registrar General of

of Seamen, or to such other Person as the Board of Trade directs, to be recorded, and shall, if desired so to do by any Seaman, give to him or indorse on his Certificate of Discharge a Copy of so much of such Report as concerns him; and every Person who makes, assists in making, or procures to be made any false Certificate or Report of the Service, Qualifications, Conduct, or Character of any Seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such Certificate or Report, or who fraudulently makes use of any Certificate or Report or of any Copy of any Certificate or Report which is forged or altered or does not belong to him, shall for each such Offence be deemed guilty of a Misdemeanor.

Discharge an Payment of Wages.

Remittance of Wages and Savings Banks for Seamen.

177. Facilities shall, if the Board of Trade so directs, be given for remitting the Wages and other Monies of Seamen and Apprentices to their Relatives or other Persons by means of Money Orders issued by Shipping Masters; and the Board of Trade may make Regulations concerning such Orders, and the Persons by or to whom, and the Mode and Time in and at which, the same are to be paid, and may from Time to Time repeal or alter any such Regulations; and all such Regulations, so long as they are in force, shall be binding upon all Persons interested or claiming to be interested in such Orders, as well as upon the Officers employed in issuing or paying the same; and no legal Proceeding shall be instituted against the Board of Trade, or against any Shipping Master or other public Officer employed about such Orders, on account of any such Regulations, or on account of any Act done or left undone in pursuance thereof, or on account of any Refusal, Neglect, or Omission to pay any such Money Order, unless such Refusal, Neglect, or Omission arise from Fraud or wilful Misbehaviour on the Part of the Person against whom Proceedings are instituted.

Remittance of Wages and Savings Banks for Seamen.

Facilities may be given for remitting Seamen's Wages.

178. The Board of Trade may, in any Case in which it thinks fit so to do, cause the Amount of any such Money Order as aforesaid to be paid to the Person to whom or in whose Favour the same may have been granted, or to his personal Representatives, Legatees, or next of Kin, notwithstanding that such Order may not be in his or their Possession; and in all such Cases from and after such Payment the Board of Trade and every Shipping Master or other Officer of the Board of Trade shall be freed from all Liability in respect of such Order.

Power to pay when Order is lost.

179. Every Shipping Master or other public Officer who grants or issues any Money Order with a fraudulent Intent shall in *England* or

Penalty for issuing Money

Remittance of Wages and Savings Banks for Seamen.

Orders with fraudulent Intent.

or *Ireland* be deemed guilty of Felony, and in *Scotland* of a high Crime and Offence, and shall be liable to be kept in Penal Servitude for a Term not exceeding Four Years.

Savings Banks for Seamen may be established.

180. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may, on the Application and Recommendation of the Board of Trade, establish Savings Banks at such Ports and Places within the United Kingdom, either in the Shipping Offices established in such Ports or elsewhere, as may appear to be expedient, and may appoint Treasurers to receive from or on account of Seamen, or the Wives and Families of Seamen, desirous to become Depositors in such Savings Banks, Deposits to an Amount not exceeding One hundred and fifty Pounds in the whole in respect of any One Account, under such Regulations as may be prescribed by the said Commissioners or Comptroller General; and such Regulations shall be binding on all such Treasurers and Depositors; and the said Commissioners may remove such Treasurers, and appoint others in their Place; and all the Provisions of the Acts now in force relating to Savings Banks, except so far as relates to the annual Amount of Deposit, shall apply to all Savings Banks which may be established under the Authority of this Act, and to such Treasurers and Depositors as aforesaid.

Legal Rights to Wages.

Right to Wages and Provisions, when to begin.

Legal Rights to Wages.

181. A Seaman's Right to Wages and Provisions shall be taken to commence either at the Time at which he commences Work or at the Time specified in the Agreement for his Commencement of Work or Presence on board, whichever first happens.

Seamen not to give up certain Rights.

182. No Seaman shall by any Agreement forfeit his Lien upon the Ship, or be deprived of any Remedy for the Recovery of his Wages to which he would otherwise have been entitled; and every Stipulation in any Agreement inconsistent with any Provision of this Act, and every Stipulation by which any Seaman consents to abandon his Right to Wages in the Case of the Loss of the Ship, or to abandon any Right which he may have or obtain in the Nature of Salvage, shall be wholly inoperative.

Wages not to be dependent on the earning of Freight.

183. No Right to Wages shall be dependent on the earning of Freight; and every Seaman and Apprentice who would be entitled to demand and recover any Wages if the Ship in which he has served had earned Freight, shall, subject to all other Rules of Law and Conditions applicable to the Case, be entitled to claim and recover the same, notwithstanding that Freight has not been earned; but in all Cases of Wreck or Loss of the Ship, Proof that he has not exerted himself to the utmost to save the Ship, Cargo, and Stores shall bar his Claim.

184. If

Legal Rights to Wages.

In case of Death, such Wages to be paid as after mentioned.

184. If any Seaman or Apprentice to whom Wages are due under the last preceding Enactment dies before the same are paid, they shall be paid and applied in the Manner herein-after specified with regard to the Wages of Seamen who die during a Voyage.

Rights to Wages in case of Termination of Service by Wreck or Illness.

185. In Cases where the Service of any Seaman terminates before the Period contemplated in the Agreement by reason of the Wreck or Loss of the Ship, and also in Cases where such Service terminates before such Period as aforesaid by reason of his being left on shore at any Place abroad under a Certificate of his Unfitness or Inability to proceed on the Voyage granted as herein-after mentioned, such Seaman shall be entitled to Wages for the Time of Service prior to such Termination as aforesaid, but not for any further Period.

Wages not to accrue during Refusal to work or Imprisonment.

186. No Seaman or Apprentice shall be entitled to Wages for any Period during which he unlawfully refuses or neglects to work when required, whether before or after the Time fixed by the Agreement for his beginning Work, nor, unless the Court hearing the Case otherwise directs, for any Period during which he is lawfully imprisoned for any Offence committed by him.

Period within which Wages are to be paid.

187. The Master or Owner of every Ship shall pay to every Seaman his Wages within the respective Periods following; (that is to say,) in the Case of a Home Trade Ship within Two Days after the Termination of the Agreement or at the Time when such Seaman is discharged, whichever first happens; and in the Case of all other Ships (except Ships employed in the Southern Whale Fishery or on other Voyages for which Seamen by the Terms of their Agreement are wholly compensated by Shares in the Profits of the Adventure) within Three Days after the Cargo has been delivered, or within Five Days after the Seaman's Discharge, whichever first happens; and in all Cases the Seaman shall at the Time of his Discharge be entitled to be paid on account a Sum equal to One Fourth Part of the Balance due to him; and every Master or Owner who neglects or refuses to make Payment in manner aforesaid, without sufficient Cause, shall pay to the Seaman a Sum not exceeding the Amount of Two Days Pay for each of the Days, not exceeding Ten Days, during which Payment is delayed beyond the respective Periods aforesaid, and such Sum shall be recoverable as Wages.

Mode of recovering Wages.

Mode of recovering Wages

Seamen may sue for Wages in a summary Manner.

188. Any Seaman or Apprentice, or any Person duly authorized on his Behalf, may sue in a summary Manner before any Two Justices of the Peace acting in or near to the Place at which the Service has terminated, or at which the Seaman or Apprentice has been discharged,

Mode of recovering Wages.

discharged, or at which any Person upon whom the Claim is made is or resides, or in *Scotland* either before any such Justices or before the Sheriff of the County within which any such Place is situated, for any Amount of Wages due to such Seaman or Apprentice not exceeding Fifty Pounds over and above the Costs of any Proceeding for the Recovery thereof, so soon as the same becomes payable; and every Order made by such Justices or Sheriff in the Matter shall be final.

Restrictions on Suits for Wages in Superior Courts.

189. No Suit or Proceeding for the Recovery of Wages under the Sum of Fifty Pounds shall be instituted by or on behalf of any Seaman or Apprentice in any Court of Admiralty or Vice-Admiralty, or in the Court of Session in *Scotland*, or in any Superior Court of Record in Her Majesty's Dominions, unless the Owner of the Ship is adjudged bankrupt or declared insolvent, or unless the Ship is under Arrest or is sold by the Authority of any such Court as aforesaid, or unless any Justices acting under the Authority of this Act refer the Case to be adjudged by such Court, or unless neither the Owner nor Master is or resides within Twenty Miles of the Place where the Seaman or Apprentice is discharged or put ashore.

No Seaman to sue for Wages abroad, except in Cases of Discharge or of Danger to Life.

190. No Seaman who is engaged for a Voyage or Engagement which is to terminate in the United Kingdom shall be entitled to sue in any Court abroad for Wages, unless he is discharged with such Sanction as herein required and with the written Consent of the Master, or proves such Ill-usage on the Part of the Master or by his Authority as to warrant reasonable Apprehension of Danger to the Life of such Seaman if he were to remain on board; but if any Seaman on his Return to the United Kingdom proves that the Master or Owner has been guilty of any Conduct or Default which but fo this Enactment would have entitled the Seaman to sue for Wages before the Termination of the Voyage or Engagement, he shall be entitled to recover in addition to his Wages such Compensation not exceeding Twenty Pounds as the Court hearing the Case thinks reasonable.

Master to have same Remedies for Wages as Seamen.

191. Every Master of a Ship shall, so far as the Case permits, have the same Rights, Liens, and Remedies for the Recovery of his Wages which by this Act or by any Law or Custom any Seaman, not being a Master, has for the Recovery of his Wages; and if in any Proceeding in any Court of Admiralty or Vice-Admiralty touching the Claim of a Master to Wages any Right of Set-off or Counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all Questions and to settle all Accounts then arising or outstanding and unsettled between the Parties to the Proceeding, and to direct Payment of any Balance which is found to be due.

Relief

Relief to Seamen's Families out of Poor Rates.

Relief to Seamen's Families out of Poor Rates.

Relief to Seamen's Families to be chargeable on a certain Proportion of their Wages.

192. Whenever during the Absence of any Seaman on a Voyage his Wife, Children, and Step-children, or any of them, become or becomes chargeable to any Union or Parish in the United Kingdom, such Union or Parish shall be entitled to be reimbursed out of the Wages of such Seaman earned during such Voyage any Sums properly expended during his Absence in the Maintenance of his said Relations, or any of them, so that such Sums do not exceed the following Proportions of his said Wages; (that is to say,)

(1.) If only One of such Relations is chargeable, One Half of such Wages:

(2.) If Two or more of such Relations are chargeable, Two Thirds of such Wages:

But if during the Absence of the Seaman any Sums have been paid by the Owner to or on behalf of any such Relation as aforesaid, under an Allotment Note given by the Seaman in his, her, or their Favour, any such Claim for Reimbursement as aforesaid shall be limited to the Excess (if any) of the Proportion of the Wages hereinbefore mentioned over the Sums so paid.

Notice to be given to Owner, an Charge to enforced on the Return of the Seaman.

193. For the Purpose of obtaining such Reimbursement as aforesaid, the Guardians of the Union or Parish, where the Relief of the Poor is administered by Guardians, and the Overseers of the Poor of any other Parish in *England*, and the Guardians or other Persons having the Authority of Guardians in any Union in *Ireland*, and the Inspector of the Poor in *Scotland*, may give to the Owner of the Ship in which the Seaman is serving a Notice in Writing stating the Proportion of the Seaman's Wages upon which it is intended to make the Claim, and requiring the Owner to retain such Proportion in his Hands for a Period to be therein mentioned, not exceeding Twenty-one Days from the Time of the Seaman's Return to his Port of Discharge, and also requiring such Owner immediately on such Return to give to such Guardians, Overseers, Persons, or Inspector Notice in Writing of such Return; and such Owner, after receiving such Notice as aforesaid, shall be bound to retain the said Proportion of Wages, and to give Notice of the Seaman's Return accordingly, and shall likewise give to the Seaman Notice of the intended Claim; and the said Guardians, Overseers, Persons, or Inspector may upon the Seaman's Return apply in a summary Way in *England* or *Ireland* to any Two Justices having Jurisdiction in such Union or Parish as aforesaid, and in *Scotland* to the Sheriff of the County, for an Order for such Reimbursement as aforesaid; and such Justices or Sheriff may hear the Case, and may make an Order for such Reimbursement to the whole Extent aforesaid, or to such lesser Amount as they or he may under the Circumstances think fit; and the Owner shall pay to such Guardians, Overseers, Persons, or Inspector, out of the Seaman's Wages, the Amount so ordered to be

 paid

Relief to Seamen's Families out of Poor Rates.

paid by way of Reimbursement, and shall pay the Remainder of the said Wages to the Seaman; and if no such Order as aforesaid is obtained within the Period mentioned in the Notice so to be given to the Owner as aforesaid, the Proportion of Wages so to be retained by him as aforesaid shall immediately on the Expiration of such Period, and without Deduction, be payable to the Seaman.

Wages and Effects of deceased Seamen.

Masters to take charge of or sell Effects of deceased Seamen which are on board, and enter the same and Wages due in the official Log.

194. Whenever any Seaman or Apprentice belonging to or sent home in any *British* Ship, whether a Foreign-going Ship or a Home Trade Ship, employed on a Voyage which is to terminate in the United Kingdom, dies during such Voyage, the Master shall take charge of all Money, Clothes, and Effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said Clothes and Effects to be sold by Auction at the Mast or other Public Auction, and shall thereupon sign an Entry in the official Log Book containing the following Particulars; (that is to say,)

(1.) A Statement of the Amount of the Money and a Description of the Effects so left by the Deceased:

(2.) In case of a Sale, a Description of each Article sold, and the Sum received for each:

(3.) A Statement of the Sum due to the Deceased as Wages, and the total Amount of the Deductions (if any) to be made therefrom:

And shall cause such Entry to be attested by a Mate and by One of the Crew.

Such Effects and Wages to be paid either to Consul or to Shipping Master, with full Accounts.

195. In the Cases provided for by the last preceding Section, the following Rules shall be observed; (that is to say,)

(1.) If the Ship proceeds at once to any Port in the United Kingdom without touching on the Way at any Foreign Port, the Master shall within Forty-eight Hours after his Arrival deliver any such Effects as aforesaid remaining unsold, and pay any Money which he has taken charge of or received from such Sale as aforesaid, and also the Balance of Wages due to the Deceased, to the Shipping Master at the Port of Destination in the United Kingdom:

(2.) If the Ship touches and remains for Forty-eight Hours at some Foreign Port or at some Port in Her Majesty's Dominions abroad before coming to any Port in the United Kingdom, the Master shall report the Case to the *British* Consular Officer or Officer of Customs there, as the Case may be, and shall give to such Officer any Information he requires as to the Destination of the Ship and probable Length of the Voyage; and such Officer may thereupon, if he considers it expedient so to do, require the said Effects, Money,

Money, and Wages to be delivered and paid to him, and shall upon such Delivery and Payment give to the Master a Receipt, and the Master shall within Forty-eight Hours after his Arrival at his Port of Destination in the United Kingdom produce the same to the Shipping Master there; and such Consular Officer or Officer of Customs shall in such Case indorse and certify upon the Agreement with the Crew such Particulars with respect to such Delivery and Payment as the Board of Trade requires:

Wages and Effects of deceased Seamen.

(3.) If such Officer as aforesaid does not require such Payment and Delivery to be made to him, the Master shall take charge of the said Effects, Money, and Wages, and shall within Forty-eight Hours after his Arrival at his Port of Destination in the United Kingdom deliver and pay the same to the Shipping Master there:

(4.) The Master shall in all Cases in which any Seaman or Apprentice dies during the Progress of a Voyage or Engagement give to the Board of Trade, or to such Officer or Shipping Master as aforesaid, an Account in such Form as they respectively require of the Effects, Money, and Wages so to be delivered and paid; and no Deductions claimed in such Account shall be allowed unless verified, if there is any official Log Book, by such Entry therein as herein-before required, and also by such other Vouchers (if any) as may be reasonably required by the Board of Trade, or by the Officer or Shipping Master to whom the Account is rendered:

(5.) Upon due Compliance with such of the Provisions of this Section as relate to Acts to be done at the Port of Destination in the United Kingdom, the Shipping Master shall grant to the Master a Certificate to that Effect, and no Officer of Customs shall clear Inwards any Foreign-going Ship without the Production of such Certificate.

Penalties for not taking charge of, remitting, or accounting for such Monies and Effects.

196. If any Master fails to take such Charge of the Money or other Effects of a Seaman or Apprentice dying during a Voyage, or to make such Entries in respect thereof, or to procure such Attestation to such Entries, or to make such Payment or Delivery of any Money, Wages, or Effects of any Seaman or Apprentice dying during a Voyage, or to give such Account in respect thereof as herein-before respectively directed, he shall be accountable for the Money, Wages, and Effects of the Seaman or Apprentice to the Board of Trade, and shall pay and deliver the same accordingly; and such Master shall in addition for every such Offence incur a Penalty not exceeding treble the Value of the Money or Effects not accounted for, or, if such Value is not ascertained, not exceeding Fifty Pounds; and if any such Money, Wages, or Effects

are

Wages and Effects of deceased Seamen.

are not duly paid, delivered, or accounted for by the Master, the Owner of the Ship shall pay, deliver, and account for the same, and such Money and Wages and the Value of such Effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his Liability for the said Money and Value, incur the same Penalty which is herein-before mentioned as incurred by the Master for the like Offence; and all Money, Wages, and Effects of any Seaman or Apprentice dying during a Voyage shall be recoverable in the same Courts and by the same Modes of proceeding by which Seamen are hereby enabled to recover Wages due to them.

Officers of Customs and Consuls to take charge of Effects left by Seamen abroad, and to remit the same and their Wages to Board of Trade.

197. If any such Seaman or Apprentice as last aforesaid dies abroad at any Place either in or out of Her Majesty's Dominions leaving any Money or Effects not on board his Ship, the chief Officer of Customs or the *British* Consular Officer at or nearest to the Place, as the Case may be, shall claim and take charge of such Money and Effects; and such Officer shall, if he thinks fit, sell all or any of such Effects, or any Effects of any deceased Seaman or Apprentice delivered to him under the Provisions herein-before contained; and every such Officer shall, quarterly or at such other Times as the Board of Trade directs, remit to Her Majesty's Paymaster General all Monies belonging to or arising from the Sale of the Effects of or paid as the Wages of any deceased Seamen or Apprentices which have come to his Hands under the Provisions herein-before contained, and shall render such Accounts in respect thereof as the Board of Trade requries.

Wages and Effects of Seamen dying at home to be paid in certain Cases to Board of Trade.

198. Whenever any Seaman or Apprentice dies in the United Kingdom, and is at the Time of his Death entitled to claim from the Master or Owner of any Ship in which he has served any unpaid Wages or Effects, such Master or Owner shall pay and deliver or account for the same to the Shipping Master at the Port where the Seaman or Apprentice was discharged or was to have been discharged, or to the Board of Trade, or as it directs.

If less than 50*l.* Wages and Property of deceased Seamen may be paid over without Probate or Administration to the Persons entitled.

199. If the Money and Effects of any deceased Seaman or Apprentice paid, delivered, or remitted to the Board of Trade or its Agents, including the Monies received for any Part of the said Effects which have been sold either before Delivery to the Board of Trade or by its Direction, do not exceed in Value the Sum of Fifty Pounds, then, subject to the Provisions herein-after contained, and to all such Deductions for Expenses incurred in respect of the Seaman or Apprentice or of his said Money and Effects as the said Board thinks proper to allow, the said Board may, if it thinks fit so to do, pay and deliver the said Money and Effects either to any Claimants who can prove themselves to the Satisfaction of the said Board either to be his Widow

or

Wages and Effects of deceased Seamen.

or Children, or to be entitled to the Effects of the Deceased under his Will (if any), or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, or to be entitled to procure Probate or take out Letters of Administration or Confirmation, although no Probate or Letters of Administration or Confirmation have been taken out, and shall be thereby discharged from all further Liability in respect of the Money and Effects so paid and delivered, or may, if it thinks fit so to do, require Probate or Letters of Administration or Confirmation to be taken out, and thereupon pay and deliver the said Money and Effects to the legal personal Representatives of the Deceased; and all Claimants to whom such Money or Effects are so paid or delivered shall apply the same in due course of Administration; and if such Money and Effects exceed in Value the Sum of Fifty Pounds, then, subject to the Provisions herein-after contained and to Deduction for Expenses, the Board of Trade shall pay and deliver the same to the legal personal Representatives of the Deceased.

Mode of Payment under Wills made by Seamen.

200. In Cases where the deceased Seaman or Apprentice has left a Will, the Board of Trade shall have the following Powers; (that is to say,)

(1.) It may in its Discretion refuse to pay or deliver any such Wages or Effects as aforesaid to any Person claiming to be entitled thereto under a Will made on board Ship unless such Will is in Writing, and is signed or acknowledged by the Testator in the Presence of the Master or First or Only Mate of the Ship, and is attested by such Master or Mate:

(2.) It may in its Discretion refuse to pay or deliver any such Wages or Effects as aforesaid to any Person not being related to the Testator by Blood or Marriage who claims to be entitled thereto under a Will made elsewhere than on board Ship, unless such Will is in Writing, and is signed or acknowledged by the Testator in the Presence of Two Witnesses, One of whom is some Shipping Master appointed under this Act, or some Minister or Officiating Minister or Curate of the Place in which the same is made, or, in a Place where there are no such Persons, some Justice of the Peace, or some *British* Consular Officer, or some Officer of Customs, and is attested by such Witnesses:

Whenever any Claim made under a Will is rejected by the Board of Trade on account of the said Will not being made and attested as herein-before required, the Wages and Effects of the Deceased shall be dealt with as if no Will had been made.

Provision for Payment of just Claims by Creditors, and for preventing

201. The following Rules shall be observed with respect to Creditors of deceased Seamen and Apprentices; (that is to say,)

(1.) No such Creditor shall be entitled to claim from the Board of Trade the Wages or Effects of any such Seaman or Apprentice

or

Wages and Effects of deceased Seamen

fraudulent Claims.

or any Part thereof by virtue of Letters of Administration taken out by him, or by virtue of Confirmation in *Scotland* as Executor Creditor:

(2.) No such Creditor shall be entitled by any Means whatever to Payment of his Debt out of such Wages and Effects, if the Debt accrued more than Three Years before the Death of the Deceased, or if the Demand is not made within Two Years after such Death:

(3.) Subject as aforesaid, the Steps to be taken for procuring Payment of such Debt shall be as follows (that is to say): Every Person making a Demand as Creditor shall deliver to the Board of Trade an Account in Writing in such Form as it requires, subscribed with his Name, stating the Particulars of his Demand and the Place of his Abode, and verified by his Declaration made before a Justice:

(4.) If before such Demand is made any Claim to the Wages and Effects of the deceased made by any Person interested therein as his Widow or Child, or under a Will or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, has been allowed, the Board of Trade shall give Notice to the Creditor of the Allowance of such Person's Claim, and the Creditor shall thereupon have the same Rights and Remedies against such Person as if he or she had received the said Wages and Effects as the legal personal Representative of the Deceased:

(5.) If no Claim by any such Person has been allowed, the Board of Trade shall proceed to investigate the Creditor's Account, and may for that Purpose require him to prove the same, and to produce all Books, Accounts, Vouchers, and Papers relating thereto; and if by such Means the Creditor duly satisfies the Board of Trade of the Justice of the Demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the Assets in the Hands of the Board of Trade will extend for that Purpose, and such Payment shall discharge the Board of Trade from all further Liability in respect of the Money so paid; but if such Board is not so satisfied, or if such Books, Accounts, Vouchers, or Papers as aforesaid are not produced, and no sufficient Reason is assigned for not producing them, the Demand shall be disallowed:

(6.) In any Case whatever the Board of Trade may delay the Investigation of any Demand made by a Creditor for the Payment of his Debt for One Year from the Time of the first Delivery of the Demand; and if in the course of that Time a Claim to the Wages and Effects of the Deceased is made and substantiated

stantiated as herein-before required by any Person interested therein as a Widow or Child, or under a Will, or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, the Board of Trade may pay and deliver the same to such Person; and thereupon the Creditor shall have the same Rights and Remedies against such Person as if he or she had received the same as the legal personal Representative of the Deceased.

Wages and Effects of deceased Seamen.

202. In Cases of Wages or Effects of deceased Seamen or Apprentices received by the Board of Trade to which no Claim is substantiated within Six Years after the Receipt thereof by such Board, it shall be in the absolute Discretion of such Board, if any subsequent Claim is made, either to allow or to refuse the same; and, subject to the Provision herein-after contained, the Board of Trade shall from Time to Time pay any Monies arising from the unclaimed Wages and Effects of deceased Seamen, which in the Opinion of such Board it is not necessary to retain for the Purpose of satisfying Claims, into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury directs, and such Monies shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Mode of dealing with unclaimed Wages of deceased Seamen.

203. Every Person who, for the Purpose of obtaining, either for himself or for another, any Money or Effects of any deceased Seaman or Apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to such Wages or Effects, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Penal Servitude for a Term not exceeding Four Years, or with Imprisonment with or without Hard Labour for any Period not exceeding Two Years, or if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

Punishment for Forgery and false Representations in order to obtain Wages and Property of deceased Seamen.

204. In the Case of Seamen invalided or discharged from any of Her Majesty's Ships, and sent home in Merchant Ships, any Monies or Effects belonging to them which are paid, remitted, or delivered to the Board of Trade, or its Agents, under the Provisions herein-before contained, shall be paid over and disposed of in such Manner as the Accountant General of Her Majesty's Navy directs.

Effects of Seamen discharged from Navy to be disposed of by Accountant General of Navy.

Leaving

Leaving Seamen abroad.

Leaving Seamen abroad.

On Discharge of Seamen abroad, by Sale of Ship or otherwise, Certificates of Discharge to be given, and Seamen to be sent home at Expense of Owner.

205. Whenever any *British* Ship is transferred or disposed of at any Place out of Her Majesty's Dominions, and any Seaman or Apprentice belonging thereto does not in the Presence of some *British* Consular Officer, or, if there is no such Consular Officer there, in the Presence of One or more respectable *British* Merchants residing at the Place, and not interested in the said Ship, signify his Consent in Writing to complete the Voyage if continued, and whenever the Service of any Seaman or Apprentice belonging to any *British* Ship terminates at any Place out of Her Majesty's Dominions, the Master shall give to each such Seaman or Apprentice a Certificate of Discharge in the Form sanctioned by the Board of Trade as aforesaid, and in the Case of any Certificated Mate whose Certificate he has retained shall return such Certificate to him, and shall also, besides paying the Wages to which such Seaman or Apprentice is entitled, either provide him with adequate Employment on board some other *British* Ship bound to the Port in Her Majesty's Dominions at which he was originally shipped, or to such other Port in the United Kingdom as is agreed upon by him, or furnish the Means of sending him back to such Port, or provide him with a Passage home, or deposit with such Consular Officer or such Merchant or Merchants as aforesaid such a Sum of Money as is by such Officer or Merchants deemed sufficient to defray the Expenses of his Subsistence and Passage home; and such Consular Officer or Merchants shall indorse upon the Agreement of the Ship which the Seaman or Apprentice is leaving the Particulars of such Payment, Provision, or Deposit; and if the Master refuses or neglects to comply with the Requirements of this Section, such Expenses as last aforesaid, if defrayed by such Consular Officer or by any other Person, shall, unless such Seaman or Apprentice has been guilty of Barratry, be a Charge upon the Ship to which such Seaman or Apprentice belonged and upon the Owner for the Time being thereof, and may be recovered against such Owners, with Costs, at the Suit of the Consular Officer or other Person defraying such Expenses, or, in case the same has been allowed to the Consular Officer out of the Public Monies, as a Debt due to Her Majesty either by ordinary Process of Law, or in the Manner in which Seamen are hereby enabled to recover Wages; and such Expenses, if defrayed by the Seaman or Apprentice, shall be recoverable as Wages due to him.

Forcing Seamen on shore a Misdemeanor.

206. If the Master or any other Person belonging to any *British* Ship wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind, in any Place, on shore or at Sea, in or out of Her Majesty's Dominions, any Seaman or Apprentice belonging to such Ship before the Completion of the Voyage for which

which such Person was engaged or the Return of the Ship to the United Kingdom, he shall for each such Offence be deemed guilty of a Misdemeanor.

Leaving Seamen abroad.

207. If the Master of any *British* Ship does any of the following Things; (that is to say,)

No Seamen to be discharged or left abroad without Certificate of some Functionary.

(1.) Discharges any Seaman or Apprentice in any Place situate in any *British* Possession abroad (except the Possession in which he was shipped), without previously obtaining the Sanction in Writing indorsed on the Agreement of some public Shipping Master or other Officer duly appointed by the local Government in that Behalf, or (in the Absence of any such Functionary) of the chief Officer of Customs resident at or near the Place where the Discharge takes place;

(2.) Discharges any Seaman or Apprentice at any Place out of Her Majesty's Dominions without previously obtaining the Sanction so indorsed as aforesaid of the *British* Consular Officer there, or (in his Absence) of Two respectable Merchants resident there;

(3.) Leaves behind any Seaman or Apprentice at any Place situate in any *British* Possession abroad on any Ground whatever, without previously obtaining a Certificate in Writing so indorsed as aforesaid from such Officer or Person as aforesaid, stating the Fact and the Cause thereof, whether such Cause be Unfitness or Inability to proceed to Sea, or Desertion or Disappearance;

(4.) Leaves behind any Seaman or Apprentice at any Place out of Her Majesty's Dominions, on shore or at Sea, on any Ground whatever, without previously obtaining the Certificate indorsed in manner and to the Effect last aforesaid of the *British* Consular Officer there, or (in his Absence) of Two respectable Merchants, if there is any such at or near the Place where the Ship then is:

He shall for each such Default be deemed guilty of a Misdemeanor; and the said Functionaries shall and the said Merchants may examine into the Grounds of such proposed Discharge, or into the Allegation of such Unfitness, Inability, Desertion, or Disappearance as aforesaid, in a summary Way, and may for that Purpose, if they think fit so to do, administer Oaths, and may either grant or refuse such Sanction or Certificate as appears to them to be just.

Proof of such Certificate to be upon the Master.

208. Upon the Trial of any Information, Indictment, or other Proceeding against any Person for discharging or leaving behind any Seaman or Apprentice, contrary to the Provisions of this Act, it shall lie upon such Person either to produce the Sanction or Certificate hereby required.

Leaving Seamen abroad

required, or to prove that he had obtained the same previously to having discharged or left behind such Seaman or Apprentice, or that it was impracticable for him to obtain such Sanction or Certificate.

Wages to be paid when Seamen are left behind on Ground of Inability.

209. Every Master of any *British* Ship who leaves any Seaman or Apprentice on shore at any Place abroad in or out of Her Majesty's Dominions, under a Certificate of his Unfitness or Inability to proceed on the Voyage, shall deliver to One of the Functionaries aforesaid or (in the Absence of such Functionaries) to the Merchants by whom such Certificate is signed, or, if there be but One respectable Merchant resident at such Place, to him, a full and true Account of the Wages due to such Seaman or Apprentice, such Account when delivered to a Consular Officer to be in Duplicate, and shall pay the same either in Money or by a Bill drawn upon the Owner; and in the Case of every Bill so drawn, such Functionary, Merchants or Merchant as aforesaid, shall by Indorsement certify thereon that the same is drawn for Money due on account of a Seaman's Wages, and shall also indorse the Amount for which such Bill is drawn, with such further Particulars in respect of the Case as the Board of Trade requires, upon the Agreement of the Ship; and every such Master as aforesaid who refuses or neglects to deliver a full Account of such Wages, and pay the Amount thereof in Money or by Bill, as herein-before required, shall for every such Offence or Default be liable, in addition to the Payment of the Wages, to a Penalty not exceeding Ten Pounds; and every such Master who delivers a false Account of such Wages shall for every such Offence, in addition to the Payment of the Wages, incur a Penalty not exceeding Twenty Pounds.

Such Wages to be treated as Money due to the Seamen, subject to Payment of Expense of their Subsistence and Passage home.

210. Every such Payment as last aforesaid, whether by Bill or in Money, shall, if made in any *British* Possession, be made to the Seaman or Apprentice himself, and, if made out of Her Majesty's Dominions, to the Consular Officer, who shall, if satisfied with the Account, indorse on One of the Duplicates thereof a Receipt for the Amount paid or Bill delivered, and shall return the same to the Master; and the Master shall, within Forty-eight Hours after his Return to his Port of Destination in the United Kingdom, deliver the same to the Shipping Master there; and the Consular Officer shall retain the other Duplicate of the said Account, and shall, if the Seaman or Apprentice subsequently obtains Employment at or otherwise quits the Port, deduct out of the Sum received by him as aforesaid any Expenses which have been incurred by him in respect of the Subsistence of the Seaman or Apprentice under the Provisions herein contained, except such as the Master or Owner of the Ship is hereby required to pay, and shall pay the Remainder to the Seaman or Apprentice, and shall also deliver to him an Account of the Sums so received and expended on his Behalf; and shall, if

if the Seaman or Apprentice dies before his Ship quits the Port, deal with the same in the Manner herein-after specified in that Behalf, and shall, if the Seaman or Apprentice is sent home at the public Expense under the Provisions herein contained, account for the Amount received to the Board of Trade; and such Amount shall, after deducting any Expenses which have been duly incurred in respect of such Seaman or Apprentice, except such as the Master or Owner of the Ship is hereby required to pay, be dealt with as Wages to which he is entitled, and shall be paid accordingly.

Leaving Seamen abroad.

211. The Governors, Consular Officers, and other Officers of Her Majesty in Foreign Countries shall, and in Places where there are no such Governors or Officers any Two Resident *British* Merchants may, provide for the Subsistence of all Seamen or Apprentices, being Subjects of Her Majesty, who have been shipwrecked, discharged, or left behind at any Place abroad, whether from any Ship employed in the Merchant Service or from any of Her Majesty's Ships, or who have been engaged by any Person acting either as Principal or Agent to serve in any Ship belonging to any Foreign Power or to the Subject of any Foreign State, and who are in Distress in any Place abroad, until such Time as they are able to provide them with a Passage home, and for that Purpose shall cause such Seamen or Apprentices to be put on board some Ship belonging to any Subject of Her Majesty bound to any Port of the United Kingdom, or to the *British* Possession to which they belong, (as the Case requires,) which is in want of Men to make up its Complement, and in default of any such Ship shall provide them with a Passage home as soon as possible in some Ship belonging to a Subject of Her Majesty so bound as aforesaid, and shall indorse on the Agreement of any Ship on board of which any Seaman or Apprentice is so taken or sent the Name of every Person so sent on board thereof, with such Particulars concerning the Case as the Board of Trade requires, and shall be allowed for the Subsistence of any such Seaman or Apprentice such Sum *per Diem* as the Board of Trade from Time to Time appoints; and the Amount due in respect of such Allowance shall be paid out of any Monies applicable to the Relief of distressed *British* Seamen, and granted by Parliament for the Purpose, on the Production of the Bills of the Disbursements, with the proper Vouchers.

Distressed Seamen found abroad may be relieved and sent home at the public Expense

212. The Master of every *British* Ship so bound as aforesaid shall receive and afford a Passage and Subsistence to all Seamen or Apprentices whom he is required to take on board his Ship under the Provisions herein-before contained, not exceeding One for every Fifty Tons Burden, and shall during the Passage provide every

Masters of British Ships compelled to take them.

Leaving Seamen abroad.

every such Seaman or Apprentice with a proper Berth or Sleeping Place effectually protected against Sea and Weather; and on the Production of a Certificate signed by any Governor, Consular Officer, or Merchants by whose Directions any such Seaman or Apprentice was received on board, specifying the Number and Names of such Seamen or Apprentices, and the Time when each of them respectively was received on board, and on a Declaration made by such Person before a Justice, and verified by the Registrar General of Seamen, stating the Number of Days during which each Seaman or Apprentice received Subsistence and was provided for as aforesaid on board his Ship, and stating also the Number of Men and Boys forming the Complement of his Crew, and the Number of Seamen and Apprentices employed on board his Ship during such Time, and every Variation (if any) of such Number, such Person shall be entitled to be paid out of the said Monies applicable to the Relief of distressed *British* Seamen, in respect of the Subsistence and Passage of every Seaman or Apprentice so conveyed, subsisted, and provided for by him exceeding the Number (if any) wanted to make up the Complement of his Crew, such Sum *per Diem* as the Board of Trade from Time to Time appoints; and if any Person having Charge of any such Ship fails or refuses to receive on board his Ship, or to give a Passage home, or Subsistence to, or to provide for any such Seaman or Apprentice as aforesaid, contrary to the Provisions of this Act, he shall incur a Penalty not exceeding One hundred Pounds for each Seaman or Apprentice with respect to whom he makes such Default or Refusal.

Power to sue for the Amount advanced for the Relief of Seamen left abroad.

213. If any Seaman or Apprentice belonging to any *British* Ship is discharged or left behind at any Place out of the United Kingdom, without full Compliance on the Part of the Master with all the Provisions in that Behalf in this Act contained, and becomes distressed and is relieved under the Provisions of this Act, or if any Subject of Her Majesty, after having been engaged by any Person (whether acting as Principal or Agent) to serve in any Ship belonging to any Foreign Power, or to the Subject of any Foreign Power, becomes distressed and is relieved as aforesaid, the Wages (if any) due to such Seaman or Apprentice, and all Expenses incurred for his Subsistence, necessary Clothing, Conveyance home, and Burial, in case he should die abroad before reaching Home, shall be a Charge upon the Ship, whether *British* or Foreign, to which he so belonged as aforesaid; and the Board of Trade may in the Name of Her Majesty (besides suing for any Penalties which may have been incurred) sue for and recover the said Wages and Expenses, with Costs, either from the Master of such Ship as aforesaid, or from the Person who is Owner thereof for the Time being, or, in the Case of such

such Engagement as aforesaid for Service in a Foreign Ship, from such Master or Owner, or from the Person by whom such Engagement was so made as aforesaid; and such Sums shall be recoverable either in the same Manner as other Debts due to Her Majesty, or in the same Manner and by the same Form and Process in which Wages due to the Seaman would be recoverable by him; and in any Proceedings for that Purpose Production of the Account (if any) to be furnished as herein-before is provided in such Cases, together with Proof of Payment by the Board of Trade or by the Paymaster General of the Charges incurred on account of any such Seaman, Apprentice, or other Person, shall be sufficient Evidence that he was relieved, conveyed home, or buried (as the Case may be) at Her Majesty's Expense.

Leaving Seamen abroad.

Volunteering into the Navy.

Volunteering into the Navy.

Seamen allowed to leave their Ships in order to enter the Navy.

214. Any Seaman may leave his Ship for the Purpose of forthwith entering into the Naval Service of Her Majesty, and such leaving his Ship shall not be deemed a Desertion therefrom, and shall not render him liable to any Punishment or Forfeiture whatever; and all Stipulations introduced into any Agreement whereby any Seaman is declared to incur any Forfeiture or be exposed to any Loss in case he enters into Her Majesty's Naval Service shall be void, and every Master or Owner who causes any such Stipulation to be so introduced shall incur a Penalty not exceeding Twenty Pounds.

Clothes to be delivered at once.

Wages to be given to the Queen's Officer on account of the Seamen.

215. Whenever any Seaman, without having previously committed any Act amounting to and treated by the Master as Desertion, leaves his Ship in order to enter into the Naval Service of Her Majesty and is received into such Service, the Master shall deliver to him his Clothes and Effects on board such Ship, and shall pay the proportionate Amount of his Wages down to the Time of such Entry, subject to all just Deductions, as follows; (that is to say,) the Master of the said Ship shall pay the same to the Officer authorized to receive such Seaman into Her Majesty's Service, either in Money or by Bill drawn upon the Owner and payable at Sight to the Order of the Accountant General of the Navy; and the Receipt of such Officer shall be a Discharge for the Money or Bill so given; and such Bill shall be exempt from Stamp Duty; and if such Wages are paid in Money, such Money shall be credited in the Muster Book of the Ship to the Account of the said Seaman; and if such Wages are paid by Bill, such Bill shall be noted in the said Muster Book and shall be sent to the said Accountant General, who shall present the same or cause the same to be presented for Payment, and shall credit the Produce thereof to the Account of the said Seaman; and such Money or Produce (as the Case may be) shall not be paid to the said

Volunteering into the Navy.

Seaman until the Time at which he would have been entitled to receive the same if he had remained in the Service of the Ship which he had so quitted as aforesaid; and if any such Bill is not duly paid when presented, the said Accountant General or the Seaman on whose Behalf the same is given may sue thereon or may recover the Wages due by all or any of the Means by which Wages due to Merchant Seamen are recoverable; and if upon any Seaman leaving his Ship in the Manner and for the Purpose aforesaid, the Master fails to deliver his Clothes and Effects, or to pay his Wages as herein-before required, he shall, in addition to his Liability to pay and deliver the same, incur a Penalty not exceeding Twenty Pounds; provided that no Officer who receives any such Bill as aforesaid shall be subject to any Liability in respect thereof, except for the safe Custody thereof until sent to the said Accountant General as aforesaid.

Repayment to Owner of Advance paid and not duly earned.

216. If upon any Seaman leaving his Ship for the Purpose of entering the Naval Service of Her Majesty, the Owner or Master of such Ship shows to the Satisfaction of the Admiralty that he has paid or properly rendered himself liable to pay an Advance of Wages to or on account of such Seaman, and that such Seaman has not at the Time of quitting his Ship duly earned such Advance by Service therein, and, in the Case of such Liability as aforesaid, if such Owner or Master actually satisfies the same, it shall be lawful for the Admiralty to pay to such Owner or Master so much of such Advance as has not been duly earned, and to deduct the Sum so paid from the Wages of the Seaman earned or to be earned in the Naval Service of Her Majesty.

If new Seamen are engaged instead of the original Seamen, the Owner may apply for Repayment of any extra Expense he has been put to.

217. If, in consequence of any Seaman so leaving his Ship without the Consent of the Master or Owner thereof, it becomes necessary for the Safety and proper Navigation of the said Ship to engage a Substitute or Substitutes, and if the Wages or other Remuneration paid to such Substitute or Substitutes for subsequent Service exceed the Wages or Remuneration which would have been payable to the said Seaman under his Agreement for similar Service, the Master or Owner of the said Ship may apply to the Registrar of the High Court of Admiralty in *England* for a Certificate authorizing the Repayment of such Excess; and such Application shall be in such Form, and shall be accompanied by such Documents, and by such Statements, whether on Oath or otherwise, as the Judge of the said Court from Time to Time directs.

Application how to be decided on, and Amount

218. The said Registrar shall, upon receiving any such Application as aforesaid, give Notice thereof in Writing, and of the Sum claimed, to the Secretary to the Admiralty, and shall proceed to examine

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of Repayment how to be ascertained.

examine the said Application, and may call upon the Registrar General of Seamen to produce any Papers in his Possession relating thereto, and may call for further Evidence; and if the whole of the Claim appears to him to be just, he shall give a Certificate accordingly; but if he considers that such Claim or any Part thereof is not just, he shall give Notice of such his Opinion in Writing under his Hand to the Person making the said Application or his Attorney or Agent; and if within Sixteen Days from the giving of such Notice such Person does not leave or cause to be left at the Office of the Registrar of the said Court a written Notice demanding that the said Application shall be referred to the Judge of the said Court, then the said Registrar shall finally decide thereon, and certify accordingly; but if such Notice is left as aforesaid, then the said Application shall stand referred to the said Judge in his Chambers, and his Decision thereon shall be final, and the said Registrar shall certify the same accordingly; and the said Registrar and Judge respectively shall in every Proceeding under this Act have full Power to administer Oaths, and to exercise all the ordinary Powers of the Court, as in any other Proceeding within its Jurisdiction; and the said Registrar or Judge (as the Case may be) may, if he thinks fit, allow for the Costs of any Proceeding under this Act any Sum not exceeding Five Pounds for each Seaman so quitting his Ship as aforesaid; and such Sum shall be added to the Sum allowed, and shall be certified by the said Registrar accordingly.

Accountant General to pay Sums when ascertained.

219. Every Certificate so given shall be sent by Post or otherwise to the Person making the Application, his Attorney or Agent, and a Copy thereof shall be sent to the Accountant General of the Navy; and such Accountant General shall, upon Delivery to him of the said original Certificate, together with a Receipt in Writing purporting to be a Receipt from the Master or Owner making the Application, pay to the Person delivering the same out of the Monies applicable to the Naval Service of Her Majesty, and granted by Parliament for the Purpose, the Amount mentioned in such Certificate; and such Certificate and Receipt shall absolutely discharge the said Accountant General and Her Majesty from all Liability in respect of the Monies so paid or of the said Application.

Penalty for Forgery and false Representations in support of such Applications.

220. Every Person who, in making or supporting any such Application as aforesaid to the Registrar of the High Court of Admiralty, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document, and every Person who in making or supporting any such Application presents or makes use of any such forged or altered Document,

Document, or who in making or supporting any such Application makes or gives, or assists in making or giving, or procures to be made or given, any false Evidence or Representation, knowing the same to be false, shall be deemed guilty of a Misdemeanor.

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Survey of Provisions and Water on Complaint made.

Provisions, Health, and Accommodation.

221. Any Three or more of the Crew of any *British* Ship may complain to any Officer in command of any of Her Majesty's Ships, or any *British* Consular Officer, or any Shipping Master, or any Chief Officer of Customs, that the Provisions or Water for the Use of the Crew are at any Time of bad Quality, unfit for Use, or deficient in Quantity; and such Officer may thereupon examine the said Provisions or Water, or cause them to be examined; and if on Examination such Provisions or Water are found to be of bad Quality and unfit for Use, or to be deficient in Quantity, the Person making such Examination shall signify the same in Writing to the Master of the Ship; and if such Master does not thereupon provide other proper Provisions or Water in lieu of any so signified to be of a bad Quality and unfit for Use, or does not procure the requisite Quantity of any so signified to be insufficient in Quantity, or uses any Provisions or Water which have been so signified as aforesaid to be of a bad Quality and unfit for Use, he shall in every such Case incur a Penalty not exceeding Twenty Pounds; and upon every such Examination as aforesaid the Officers making or directing the same shall enter a Statement of the Result of the Examination in the Official Log, and shall send a Report thereof to the Board of Trade, and such Report, if produced out of the Custody of such Board or its Officers, shall be received in Evidence in any legal Proceeding.

Forfeiture for frivolous Complaint.

222. If the Officer to whom any such Complaint as last aforesaid is made certifies in such Statement as aforesaid that there was no reasonable Ground for such Complaint, each of the Parties so complaining shall be liable to forfeit to the Owner out of his Wages a Sum not exceeding One Week's Wages.

Allowance for short or bad Provisions.

223. In the following Cases, (that is to say,)

(1.) If during a Voyage the Allowance of any of the Provisions which any Seaman has by his Agreement stipulated for is reduced (except in accordance with any Regulations for Reduction by way of Punishment contained in the Agreement, and also except for any Time during which such Seaman wilfully and without sufficient Cause refuses or neglects to perform his Duty, or is lawfully under Confinement for Misconduct, either on board or on shore);

(2.) If

(2.) If it is shown that any of such Provisions are or have during the Voyage been bad in Quality and unfit for Use;

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The Seaman shall receive by way of Compensation for such Reduction or bad Quality, according to the Time of its Continuance, the following Sums, to be paid to him in addition to and to be recoverable as Wages; (that is to say,)

(1.) If his Allowance is reduced by any Quantity not exceeding One Third of the Quantity specified in the Agreement, a Sum not exceeding Fourpence a Day;

(2.) If his Allowance is reduced by more than One Third of such Quantity, Eightpence a Day;

(3.) In respect of such bad Quality as aforesaid, a Sum not exceeding One Shilling a Day:

But if it is shown to the Satisfaction of the Court before which the Case is tried that any Provisions the Allowance of which has been reduced could not be procured or supplied in proper Quantities, and that proper and equivalent Substitutes were supplied in lieu thereof, the Court shall take such Circumstances into consideration, and shall modify or refuse Compensation as the Justice of the Case may require.

Medicines, Lime, or Lemon Juice, Sugar and Vinegar, to be provided and kept on board certain Ships.

224. The following Rules shall be observed with respect to Medicines, Medical Stores, and Anti-scorbutics; (that is to say,)

(1.) The Board of Trade shall from Time to Time issue and cause to be published a Scale of Medicines and Medical Stores suitable to Accidents and Diseases arising on Sea Voyages:

(2.) The Owner of every Ship navigating between the United Kingdom and any Place out of the same shall provide and cause to be constantly kept on board such Ship a Supply of such Medicines and Medical Stores in accordance with the said Scale:

(3.) The Master or Owner of every Foreign-going Ship (except those bound to *European* Ports or to Ports in the *Mediterranean Sea*, and also except such Ships or Classes of Ships bound to Ports on the Eastern Coast of *America* North of the Thirty-fifth Degree of North Latitude and to any Islands or Places in the *Atlantic Ocean* North of the same Limit, as the Board of Trade may from Time to Time exempt from this Enactment,) shall also provide and cause to be kept on board such Ship a sufficient Quantity of Lime or Lemon Juice, or of such Articles as the Board of Trade sanctions as Substitutes for Lime or Lemon Juice, and also of Sugar and Vinegar:

(4.) The Master of every such Ship as last aforesaid shall serve out the Lime or Lemon Juice or other such Articles as aforesaid and Sugar and Vinegar to the Crew, whenever they have consumed Salt Provisions for Ten Days, and so long afterwards as such Consumption continues, the Lime or Lemon Juice

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and Sugar daily at the Rate of Half an Ounce each *per* Day and the Vinegar weekly at the Rate of Half a Pint *per* Week, to each Member of the Crew:

And if in any such Ship as aforesaid such Medicines, Medical Stores, Lime or Lemon Juice or other Articles, Sugar and Vinegar, as are herein-before required, are not provided and kept on board as herein-before required, the Master or Owner shall incur a Penalty not exceeding Twenty Pounds; and if the Master of any such Ship as aforesaid neglects to serve out the Lime or Lemon Juice or other Articles, Sugar or Vinegar, in the Case and Manner herein before directed, he shall for each such Offence incur a Penalty not exceeding Five Pounds; and if any Master is convicted in either of the last-mentioned Penalties, and it appears that the Offence is owing to the Act or Default of the Owner, such Master may recover the Amount of such Penalty and the Costs incurred by him from the Owner.

Masters to keep Weights and Measures on board

225. Every Master shall keep on board proper Weights and Measures for the Purpose of determining the Quantities of the several Provisions and Articles served out, and shall allow the same to be used at the Time of serving out such Provisions and Articles in the Presence of a Witness whenever any Dispute arises about such Quantities, and in default shall for every Offence incur a Penalty not exceeding Ten Pounds.

Board of Trade and Local Boards may appoint Inspectors of Medicines, who are to see that Ships are properly provided

226. Any Local Marine Board may, upon being required by the Board of Trade so to do, appoint and remove a Medical Inspector of Ships for the Port, and may fix his Remuneration, such Remuneration to be subject to the Control of the Board of Trade; and at Ports where there are no Local Marine Boards the Board of Trade may appoint and remove such Inspectors, and fix their Remuneration; and it shall be the Duty of such Inspectors to inspect the Medicines, Medical Stores, Lime or Lemon Juice, or other Articles, Sugar and Vinegar, required to be kept on board any such Ships as aforesaid; and such Inspection, if made at Places where there are Local Marine Boards, shall be made under their Direction, and also in any special Cases under the Direction of the Board of Trade, and if made at Places where there are no Local Marine Boards, shall be made under the Direction of the Board of Trade; and such Medical Inspectors shall for the Purposes of such Inspection have the same Powers as the Inspectors appointed by the Board of Trade under the First Part of this Act; but every such Inspector, if required by timely Notice in Writing from the Master, Owner, or Consignee, shall make his Inspection Three Days at least before the Ship proceeds to Sea, and if the Result of the Inspection is satisfactory shall not again make Inspection before the Commencement of the Voyage, unless he has Reason to suspect that some of the

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the Articles inspected have been subsequently removed, injured, or destroyed; and whenever any such Medical Inspector is of opinion that in any Ship hereby required to carry such Articles as aforesaid the same or any of them are deficient in Quantity or Quality, or are placed in improper Vessels, he shall signify the same in Writing to the Chief Officer of Customs of the Port where such Ship is lying, and also to the Master, Owner, or Consignee thereof, and thereupon the Master of such Ship, before proceeding to Sea, shall produce to such Chief Officer of Customs a Certificate under the Hand of such Medical Inspector or of some other Medical Inspector, to the Effect that such Deficiency has been supplied or remedied, or that such improper Vessels have been replaced by proper Vessels, as the Case may require; and such Chief Officer of Customs shall not grant a Clearance for such Ship without the Production of such Certificate, and if such Ship attempts to go to Sea without a Clearance, may detain her until such Certificate is produced; and if such Ship proceeds to Sea without the Production of such Certificate, the Owner, Master, or Consignee thereof shall incur a Penalty not exceeding Twenty Pounds.

Penalty for selling bad Drugs for Ships.

227. Any Person who sells or supplies any Medicines, Medical Stores, Lime or Lemon Juice, of bad Quality, for the Use of any Ship, shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

Expense of Medical Attendance and Subsistence in case of Illness, and of Burial in case of Death, how to be defrayed.

228. The following Rules shall be observed with respect to Expenses attendant on Illness and Death; (that is to say,)

(1.) If the Master or any Seaman or Apprentice receives any Hurt or Injury in the Service of the Ship to which he belongs, the Expense of providing the necessary Surgical and Medical Advice, with Attendance and Medicines, and of his Subsistence until he is cured, or dies, or is brought back to some Port in the United Kingdom, if shipped in the United Kingdom, or if shipped in some *British* Possession to some Port in such Possession, and of his Conveyance to such Port, and the Expense (if any) of his Burial, shall be defrayed by the Owner of such Ship, without any Deduction on that Account from the Wages of such Master, Seaman, or Apprentice:

(2.) If the Master or any Seaman or Apprentice is on account of any Illness temporarily removed from his Ship for the Purpose of preventing Infection, or otherwise for the Convenience of the Ship, and subsequently returns to his Duty, the Expense of such Removal and of providing the necessary Advice with Attendance and Medicines and of his Subsistence whilst away from the Ship, shall be defrayed in like Manner:

(3.) The

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(3.) The Expense of all Medicines and Surgical or Medical Advice and Attendance given to any Master, Seaman, or Apprentice whilst on board his Ship shall be defrayed in like Manner:

(4.) In all other Cases any reasonable Expenses duly incurred by the Owner for any Seaman in respect of Illness, and also any reasonable Expenses duly incurred by the Owner in respect of the Burial of any Seaman or Apprentice who dies whilst on Service, shall, if duly proved, be deducted from the Wages of such Seaman or Apprentice.

Expenses, if paid by Consul, to be recoverable from Owner

229. If any such Expenses in respect of the Illness, Injury, or Hurt of any Seaman or Apprentice, as are to be borne by the Owner, are paid by any Consular Officer or other Person on behalf of Her Majesty, or if any other Expenses in respect of the Illness, Injury, or Hurt of any Seaman or Apprentice whose Wages are not accounted for to such Officer under the Provisions herein-before contained in that Behalf are so paid, such Expenses shall be repaid to such Officer or other Person by the Master of the Ship, and if not so repaid, the Amount thereof, with Costs, shall be a Charge upon the Ship, and be recoverable from the said Master or from the Owner of the Ship for the Time being as a Debt due to Her Majesty, and shall be recoverable either by ordinary Process of Law or in the Manner in which Seamen are hereby enabled to recover Wages; and in any Proceeding for the Recovery thereof the Production of a Certificate of the Facts, signed by such Officer or other Person, together with such Vouchers (if any) as the Case requires, shall be sufficient Proof that the said Expenses were duly paid by such Consular Officer or other Person as aforesaid.

Certain Ships to carry Medical Practitioners

230. Every Foreign-going Ship having One hundred Persons or upwards on board shall carry on board as Part of her Complement some Person duly authorized by Law to practise as Physician, Surgeon, or Apothecary; and in default the Owner shall for every Voyage of any such Ship made without such Medical Practitioner incur a Penalty not exceeding One hundred Pounds: Provided that nothing herein contained shall in anywise affect any Provision contained in the "Passengers Act, 1852," concerning the Carriage of Medical Practitioners by the Class of Ships therein named Passenger Ships, nor shall any such Passenger Ship, if not thereby required to carry a Medical Practitioner, be hereby required to do so.

Place appropriated to Seamen to have a certain Space for each Man

231. The following Rules shall be observed with respect to Accommodation on board; (that is to say,)

(1.) Every Place in any Ship occupied by Seamen or Apprentices, and appropriated to their Use, shall have for every such Seaman or Apprentice, if they sleep in Hammocks, a Space of not

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and to be properly constructed and kept clear.

not less than Nine Superficial Feet, and if they do not sleep in Hammocks, a Space of not less than Twelve Superficial Feet, measured on the Deck or Floor of such Place:

(2.) Every such Place shall either be Six Feet in Height from Deck to Deck, or shall have for every Seaman and Apprentice, if they sleep in Hammocks, a Space of not less than Fifty-four Cubic Feet, and if they do not sleep in Hammocks, a Space of not less than Seventy-two Cubic Feet:

(3.) Every such Place shall be kept free from Stores or Goods of any kind, not being the personal Property of the Crew in use during the Voyage:

(4.) Every such Place shall be properly caulked, and in all other respects securely and properly constructed and well ventilated:

And if any such Place in any Ship is not in the whole sufficiently large to give such Space for each Seaman and Apprentice as herein-before required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the Owner shall for every such Failure to comply with the Provisions of this Section incur a Penalty not exceeding Twenty Pounds; and if any such Space as aforesaid is not kept free from Goods and Stores as aforesaid, the Master shall for every such Failure to comply with the Provisions of this Section incur a Penalty not exceeding Ten Pounds.

Power of making Complaint.

Seamen to be allowed to go ashore to make Complaint to a Justice.

Power of making Complaint.

232. If any Seaman or Apprentice whilst on board any Ship states to the Master that he desires to make Complaint to a Justice of the Peace, or Consular Officer, or Naval Officer in command of any of Her Majesty's Ships, against the Master or any of the Crew, the said Master shall, if the Ship is then at a Place where there is a Justice or any such Officer as aforesaid, so soon as the Service of the Ship will permit, and if the Ship is not then at such a Place, so soon after her first Arrival at such a Place as the Service of the Ship will permit, allow such Seaman or Apprentice to go ashore or send him ashore in proper Custody so that he may be enabled to make such Complaint, and shall, in default, incur a Penalty not exceeding Ten Pounds.

Protection of Seamen from Imposition.

Sale of and Charge upon Wages to be invalid.

Protection of Seamen from Imposition.

233. No Wages due or accruing to any Seaman or Apprentice shall be subject to Attachment or Arrestment from any Court; and every Payment of Wages to a Seaman or Apprentice shall be valid in Law, notwithstanding any previous Sale or Assignment of such Wages, or of any Attachment, Incumbrance, or Arrestment thereon; and no Assignment or Sale of such Wages or of Salvage made prior to the accruing thereof shall bind the Party making the same; and no Power of Attorney or Authority for the Receipt of any such Wages or Salvage shall be irrevocable.

234. No

Protection of Seamen from Imposition.

No Debt exceeding 5s. recoverable till End of Voyage.

234. No Debt exceeding in Amount Five Shillings, incurred by any Seaman after he has engaged to serve, shall be recoverable until the Service agreed for is concluded.

Penalty for Overcharges by Lodging-house Keepers.

235. If any Person demands or receives from any Seaman or Apprentice to the Sea Service Payment in respect of his Board or Lodging in the House of such Person for a longer Period than such Seaman or Apprentice has actually resided or boarded therein, he shall incur a Penalty not exceeding Ten Pounds.

Penalty for detaining Seamen's Effects.

236. If any Person receives or takes into his Possession or under his Control any Monies, Documents, or Effects of any Seaman or Apprentice to the Sea Service, and does not return the same or pay the Value thereof, when required by such Seaman or Apprentice, subject to such Deduction as may be justly due to him from such Seaman or Apprentice in respect of Board or Lodging or otherwise, or absconds therewith, he shall incur a Penalty not exceeding Ten Pounds, and any Two Justices may, besides inflicting such Penalty, by summary Order direct the Amount or Value of such Monies, Documents, or Effects, subject to such Deduction as aforesaid, to be forthwith paid to such Seaman or Apprentice.

Persons not to go on board before the final Arrival of Ship without Permission.

237. Every Person who, not being in Her Majesty's Service, and not being duly authorized by Law for the Purpose, goes on board any Ship about to arrive at the Place of her Destination, before her actual Arrival in Dock or at the Place of her Discharge, without the Permission of the Master, shall for every such Offence incur a Penalty not exceeding Twenty Pounds; and the Master or Person in charge of such Ship may take any such Person so going on board as aforesaid into Custody, and deliver him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices or the Sheriff of the County in *Scotland*, and to be dealt with according to the Provisions of this Act.

Penalty for Solicitations by Lodging-House Keepers.

238. If, within Twenty-four Hours after the Arrival of any Ship at any Port in the United Kingdom, any Person then being on board such Ship solicits any Seaman to become a Lodger at the House of any Person letting Lodgings for Hire, or takes out of such Ship any Effects of any Seaman, except under his personal Direction and with the Permission of the Master, he shall for every such Offence incur a Penalty not exceeding Five Pounds.

Discipline.

Discipline.

Misconduct endangering Ship or Life

239. Any Master of or any Seaman or Apprentice belonging to any *British* Ship who by wilful Breach of Duty, or by Neglect of Duty,

Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such Ship, or tending immediately to endanger the Life or Limb of any Person belonging to or on board of such Ship, or who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such Ship from immediate Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such Ship from immediate Danger to Life or Limb, shall for every such Offence be deemed guilty of a Misdemeanor.

Discipline.

or Limb a Misdemeanor.

240. Any Court having Admiralty Jurisdiction in any of Her Majesty's Dominions may, upon Application by the Owner of any Ship being within the Jurisdiction of such Court, or by the Part Owner or Consignee, or by the Agent of the Owner, or by any certificated Mate, or by One Third or more of the Crew of such Ship, and upon Proof on Oath to the Satisfaction of such Court that the Removal of the Master of such Ship is necessary, remove him accordingly; and may also, with the Consent of the Owner or his Agent, or the Consignee of the Ship, or if there is no Owner or Agent of the Owner or Consignee of the Ship within the Jurisdiction of the Court, then without such Consent, appoint a new Master in his Stead; and may also make such Order, and may require such Security in respect of Costs in the Matter, as it thinks fit.

Power of Admiralty Courts to remove Master.

241. If the Board of Trade or any Local Marine Board has reason to believe that any Master or Mate is from Incompetency or Misconduct unfit to discharge his Duties, the Board of Trade may either institute an Investigation or may direct the Local Marine Board at or nearest to the Place at which it may be convenient for the Parties and Witnesses to attend to institute the same, and thereupon such Persons as the Board of Trade may appoint for the Purpose, or, as the Case may be, the Local Marine Board, shall, with the Assistance of a local Stipendiary Magistrate (if any), and if there is no such Magistrate of a competent legal Assistant to be appointed by the Board of Trade, conduct the Investigation, and may summon the Master or Mate to appear, and shall give him full Opportunity of making a Defence either in person or otherwise, and shall for the Purpose of such Investigation have all the Powers given by the First Part of this Act to Inspectors appointed by the Board of Trade, and may make such Order with respect to the Costs of such Investigation as they may deem just; and shall on the Conclusion of the Investigation make a Report upon the Case to the Board of Trade; and in Cases where there is no Local Marine Board before which the Parties and Witnesses can conveniently attend, or where such Local Marine Board is unwilling to institute the Investigation,

Power to investigate Cases of alleged Incompetency and Misconduct.

Discipline.

tion, the Board of Trade may direct the same to be instituted before Two Justices or a Stipendiary Magistrate; and thereupon such Investigation shall be conducted, and the Results thereof reported, in the same Manner and with the same Powers in and with which formal Investigations into Wrecks and Casualties are directed to be conducted, and the Results thereof reported, under the Provisions contained in the Eighth Part of this Act, save only that, if the Board of Trade so directs, the Person bringing the Charge of Incompetency or Misconduct to the Notice of the Board of Trade shall be deemed to be the Party having the Conduct of the Case.

Board of Trade may cancel or suspend Certificates in certain Cases.

242. The Board of Trade may suspend or cancel the Certificate (whether of Competency or Service) of any Master or Mate in the following Cases; (that is to say,)

(1.) If upon any Investigation made in pursuance of the last preceding Section, he is reported to be incompetent, or to have been guilty of any gross Act of Misconduct, Drunkenness, or Tyranny:

(2.) If upon any Investigation conducted under the Provisions contained in the Eighth Part of this Act, or upon any Investigation made by a Naval Court constituted as herein-after mentioned, it is reported that the Loss or Abandonment of or serious Damage to any Ship or Loss of Life has been caused by his wrongful Act or Default:

(3.) If he is superseded by the Order of any Admiralty Court or of any Naval Court constituted as herein-after mentioned:

(4) If he is shown to have been convicted of any Offence:

(5.) If upon any Investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any *British* Possession to make Inquiry into Charges of Incompetency or Misconduct on the Part of Masters or Mates of Ships, or as to Shipwrecks or other Casualties affecting Ships, a Report is made by such Court or Tribunal to the Effect that he has been guilty of any gross Act of Misconduct, Drunkenness, or Tyranny, or that the Loss or Abandonment of or serious Damage to any Ship or Loss of Life has been caused by his wrongful Act or Default, and such Report is confirmed by the Governor or Person administering the Government of such Possession:

And every Master or Mate whose Certificate is cancelled or suspended shall deliver it to the Board of Trade or as it directs, and in default shall for each Offence incur a Penalty not exceeding Fifty Pounds; and the Board of Trade may at any subsequent Time

Time grant to any Person whose Certificate has been cancelled a new Certificate of the same or of any lower Grade.

Discipline.

243. Whenever any Seaman who has been lawfully engaged or any Apprentice to the Sea Service commits any of the following Offences he shall be liable to be punished summarily as follows; (that is to say,)

Offences of Seamen and Apprentices and their Punishments.

(1.) For Desertion he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour, and also to forfeit all or any Part of the Clothes and Effects he leaves on board, and all or any Part of the Wages or Emoluments which he has then earned, and also, if such Desertion takes place abroad, at the Discretion of the Court, to forfeit all or any Part of the Wages or Emoluments he may earn in any other Ship in which he may be employed until his next Return to the United Kingdom, and to satisfy any Excess of Wages paid by the Master or Owner of the Ship from which he deserts to any Substitute engaged in his Place at a higher Rate of Wages than the Rate stipulated to be paid to him:

Desertion:

(2.) For neglecting or refusing, without reasonable Cause, to join his Ship, or to proceed to Sea in his Ship, or for Absence without Leave at any Time within Twenty-four Hours of the Ship's sailing from any Port either at the Commencement or during the Progress of any Voyage, or for Absence at any Time without Leave and without sufficient Reason from his Ship or from his Duty not amounting to Desertion or not treated as such by the Master, he shall be liable to Imprisonment for any Period not exceeding Ten Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit out of his Wages a Sum not exceeding the Amount of Two Days Pay, and in addition for every Twenty-four Hours of Absence either a Sum not exceeding Six Days Pay, or any Expenses which have been properly incurred in hiring a Substitute:

Neglecting or refusing to join, or to proceed to Sea, Absence within 24 Hours before sailing, and Absence without Leave:

(3.) For quitting the Ship without Leave after her Arrival at her Port of Delivery and before she is placed in Security, he shall be liable to forfeit out of his Wages a Sum not exceeding One Month's Pay:

Quitting without Leave before Ship is secured:

(4.) For wilful Disobedience to any lawful Command he shall be liable to Imprisonment for any Period not exceeding Four Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit out of his Wages a Sum not exceeding Two Days Pay:

Act of Disobedience:

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Continued Disobedience:

(5.) For continued wilful Disobedience to lawful Commands, or continued wilful Neglect of Duty, he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit for every Twenty-four Hours Continuance of such Disobedience or Neglect either a Sum not exceeding Six Days Pay, or any Expenses which have been properly incurred in hiring a Substitute:

Assault on Officers:

(6.) For assaulting any Master or Mate he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour:

Combining to disobey:

(7.) For combining with any other or others of the Crew to disobey lawful Commands, or to neglect Duty, or to impede the Navigation of the Ship or the Progress of the Voyage, he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour:

Wilful Damage and Embezzlement:

(8.) For wilfully damaging the Ship, or embezzling or wilfully damaging any of her Stores or Cargo, he shall be liable to forfeit out of his Wages a Sum equal in Amount to the Loss thereby sustained, and also, at the Discretion of the Court, to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour:

Act of Smuggling causing Loss to Owner.

(9.) For any Act of Smuggling of which he is convicted, and whereby Loss or Damage is occasioned to the Master or Owner, he shall be liable to pay to such Master or Owner such a Sum as is sufficient to reimburse the Master or Owner for such Loss or Damage; and the whole or a proportionate Part of his Wages may be retained in satisfaction or on account of such Liability, without Prejudice to any further Remedy.

Entry of Offences to be made in official Log, and to be read over or a Copy given to the Offender, and his Reply, if any, to be also entered.

244. Upon the Commission of any of the Offences enumerated in the last preceding Section an Entry thereof shall be made in the official Log Book, and shall be signed by the Master and also by the Mate or One of the Crew; and the Offender, if still in the Ship, shall before the next subsequent Arrival of the Ship at any Port, or if she is at the Time in Port, before her Departure therefrom, either be furnished with a Copy of such Entry or have the same read over distinctly and audibly to him, and may thereupon make such Reply thereto as he thinks fit; and a Statement that a Copy of the said Entry has been so furnished, or that the same has been so read over as aforesaid, and the Reply (if any) made by the Offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent

sequent legal Proceeding the Entries herein-before required shall, if practicable, be produced or proved, and in default of such Production or Proof the Court hearing the Case may, at its Discretion, refuse to receive Evidence of the Offence.

Discipline

245. Every seafaring Person whom the Master of any Ship is, under the Authority of this Act or of any other Act of Parliament, compelled to take on board and convey, and every Person who goes to Sea in any Ship without the Consent of the Master or Owner or other Person entitled to give such Consent, shall, so long as he remains in such Ship, be subject to the same Laws and Regulations for preserving Discipline, and to the same Penalties and Punishments for Offences constituting or tending to a Breach of Discipline, to which he would be subject if he were a Member of the Crew and had signed the Agreement.

Seamen whom Masters of Ships are compelled to convey, and Persons going in Ships without Leave, to be subject to Penalties for Breach of Discipline.

246. Whenever, either at the Commencement or during the Progress of any Voyage, any Seaman or Apprentice neglects or refuses to join or deserts from or refuses to proceed to Sea in any Ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without Leave, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, in any Place in Her Majesty's Dominions, with or without the Assistance of the local Police Officers or Constables, who are hereby directed to give the same, if required, and also at any Place out of Her Majesty's Dominions, if and so far as the Laws in force at such Place will permit, apprehend him without first procuring a Warrant; and may thereupon in any Case, and shall in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the Matter, to be dealt with according to Law; and may, for the Purpose of conveying him before such Court, detain him in Custody for a Period not exceeding Twenty-four Hours or such shorter Time as may be necessary, or may, if he does not so require, or if there is no such Court at or near the Place, at once convey him on board; and if any such Apprehension appears to the Court before which the Case is brought to have been made on improper or on insufficient Grounds, the Master, Mate, Owner, Ship's Husband, or Consignee who makes the same or causes the same to be made shall incur a Penalty not exceeding Twenty Pounds; but such Penalty, if inflicted, shall be a Bar to any Action for false Imprisonment in respect of such Apprehension.

Master or Owner may apprehend Deserters without Warrant.

247. Whenever any Seaman or Apprentice is brought before any Court on the Ground of his having neglected or refused to join or to proceed to Sea in any Ship in which he is engaged to serve, or of having deserted

Deserters may be sent on board in lieu of

Discipline.

being imprisoned.

deserted or otherwise absented himself therefrom without Leave, such Court may, if the Master or the Owner or his Agent so requires, instead of committing the Offender to Prison, cause him to be conveyed on board for the Purpose of proceeding on the Voyage, or deliver him to the Master or any Mate of the Ship, or the Owner or his Agent, to be by them so conveyed, and may in such Case order any Costs and Expenses properly incurred by or on behalf of the Master or Owner by reason of the Offence to be paid by the Offender, and, if necessary to be deducted from any Wages which he has then earned, or which by virtue of his then existing Engagement he may afterwards earn.

Seamen imprisoned for Desertion or Breach of Discipline may be sent on board before Termination of Sentence.

248. If any Seaman or Apprentice is imprisoned on the Ground of his having neglected or refused to join or to proceed to Sea in any Ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without Leave, or of his having committed any other Breach of Discipline, and if during such Imprisonment and before his Engagement is at an end his Services are required on board his Ship, any Justice may, at the Request of the Master or of the Owner or his Agent, cause such Seaman or Apprentice to be conveyed on board his said Ship for the Purpose of proceeding on the Voyage, or to be delivered to the Master or any Mate of the Ship or to the Owner or his Agent, to be by them so conveyed, notwithstanding that the Termination of the Period for which he was sentenced to Imprisonment has not arrived.

Entries and Certificates of Desertion abroad to be copied, sent home, and admitted in Evidence.

249. In all Cases of Desertion from any Ship in any Place abroad the Master shall produce the Entry of such Desertion in the official Log Book to the Person or Persons hereby required to indorse on the Agreement a Certificate of such Desertion; and such Person or Persons shall thereupon make and certify a Copy of such Entry and also a Copy of the said Certificate of Desertion; and if such Person is a public Functionary he shall, and in other Cases the said Master shall forthwith transmit such Copies to the Registrar General of Seamen in *England;* and the said Registrar shall, if required, cause the same to be produced in any legal Proceeding; and such Copies, if purporting to be so made and certified as aforesaid, and certified to have come from the Custody of the said Registrar, shall in any legal Proceeding relating to such Desertion be received as Evidence of the Entries therein appearing.

Facilities for proving Desertion, so far as concerns Forfeiture of Wages.

250. Whenever a Question arises whether the Wages of any Seaman or Apprentice are forfeited for Desertion, it shall be sufficient for the Party insisting on the Forfeiture to show that such Seaman or Apprentice was duly engaged in or that he belonged to the Ship from which he is alleged to have deserted, and that he quitted such Ship before

before the Completion of the Voyage or Engagement, or if such Voyage was to terminate in the United Kingdom and the Ship has not returned, that he is absent from her, and that an Entry of the Desertion has been duly made in the official Log Book; and thereupon the Desertion shall, so far as relates to any Forfeiture of Wages or Emoluments under the Provisions herein-before contained, be deemed to be proved, unless the Seaman or Apprentice can produce a proper Certificate of Discharge, or can otherwise show to the Satisfaction of the Court that he had sufficient Reasons for leaving his Ship.

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251. Whenever in any Proceeding relating to Seamen's Wages it is shown that any Seaman or Apprentice has in the course of the Voyage been convicted of any Offence by any competent Tribunal and rightfully punished therefor by Imprisonment or otherwise, the Court hearing the Case may direct a Part of the Wages due to such Seaman, not exceeding Three Pounds, to be applied in reimbursing any Costs properly incurred by the Master in procuring such Conviction and Punishment.

Costs of procuring Imprisonment may to the Extent of 3*l.* be deducted from Wages.

252. Whenever any Seaman contracts for Wages by the Voyage or by the Run or by the Share, and not by the Month or other stated Period of Time, the Amount of Forfeiture to be incurred under this Act shall be taken to be an Amount bearing the same Proportion to the whole Wages or Share as a Calendar Month or other the Period herein-before mentioned in fixing the Amount of such Forfeiture (as the Case may be) bears to the whole Time spent in the Voyage; and if the whole Time spent in the Voyage does not exceed the Period for which the Pay is to be forfeited, the Forfeiture shall extend to the whole Wages or Share.

Amount of Forfeiture how to be ascertained when Seamen contract for the Voyage.

253. All Clothes, Effects, Wages, and Emoluments which under the Provisions herein-before contained are forfeited for Desertion shall be applied in the first instance in or towards the Reimbursement of the Expenses occasioned by such Desertion to the Master or Owner of the Ship from which the Desertion has taken place; and may, if earned subsequently to the Desertion, be recovered by such Master, or by the Owner or his Agent, in the same Manner as the Deserter might have recovered the same if they had not been forfeited; and in any legal Proceeding relating to such Wages the Court may order the same to be paid accordingly; and subject to such Reimbursement the same shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom; and in all other Cases of Forfeiture of Wages under the Provisions herein-before contained the Forfeiture shall, in the Absence of any specific Directions to the contrary, be for the Benefit of the Master or Owner by whom the Wages are payable.

Application of Forfeitures.

254. Any

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Questions of Forfeitures may be decided in Suits for Wages.

254. Any Question concerning the Forfeiture of or Deductions from the Wages of any Seaman or Apprentice may be determined in any Proceeding lawfully instituted with respect to such Wages, notwithstanding that the Offence in respect of which such Question arises, though hereby made punishable by Imprisonment as well as Forfeiture, has not been made the Subject of any Criminal Proceeding.

Penalty for false Statement as to last Ship or Name.

255. If any Seaman on or before being engaged wilfully and fraudulently makes a false Statement of the Name of his last Ship or last alleged Ship, or wilfully and fraudulently makes a false Statement of his own Name, he shall incur a Penalty not exceeding Five Pounds; and such Penalty may be deducted from any Wages he may earn by virtue of such Engagement as aforesaid, and shall, subject to Reimbursement of the Loss and Expenses (if any) occasioned by any previous Desertion, be paid and applied in the same Manner as other Penalties payable under this Act.

Fines to be deducted from Wages, and paid to Shipping Master.

256. Whenever any Seaman commits an Act of Misconduct for which his Agreement imposes a Fine, and which it is intended to punish by enforcing such Fine, an Entry thereof shall be made in the official Log Book, and a Copy of such Entry shall be furnished or the same shall be read over to the Offender, and an Entry of such reading over, and of the Reply (if any) made by the Offender, shall be made, in the Manner and subject to the Conditions herein-before specified with respect to the Offences against Discipline specified in and punishable under this Act; and such Fine shall be deducted and paid over as follows; (that is to say,) if the Offender is discharged in the United Kingdom, and the Offence and such Entries in respect thereof as aforesaid are proved, in the Case of a Foreign-going Ship to the Satisfaction of the Shipping Master before whom the Offender is discharged, and in the Case of a Home Trade Ship to the Satisfaction of the Shipping Master at or nearest to the Place at which the Crew is discharged, the Master or Owner shall deduct such Fine from the Wages of the Offender, and pay the same over to such Shipping Master; and if before the final Discharge of the Crew in the United Kingdom any such Offender as aforesaid enters into any of Her Majesty's Ships, or is discharged abroad, and the Offence and such Entries as aforesaid are proved to the Satisfaction of the Officer in command of the Ship into which he so enters, or of the Consular Officer, Officer of Customs, or other Person by whose Sanction he is so discharged, the Fine shall thereupon be deducted as aforesaid, and an Entry of such Deduction shall then be made in the official Log Book (if any) and signed by such Officer or other Person; and on the Return of the Ship to the United Kingdom the Master or Owner shall pay over such Fine, in the Case of Foreign-going Ships, to

to the Shipping Master before whom the Crew is discharged, and in the Case of Home Trade Ships to the Shipping Master at or nearest to the Place at which the Crew is discharged; and if any Master or Owner neglects or refuses to pay over any such Fine in manner aforesaid, he shall for each such Offence incur a Penalty not exceeding Six Times the Amount of the Fine retained by him: Provided that no Act of Misconduct for which any such Fine as aforesaid has been inflicted and paid shall be otherwise punished under the Provisions of this Act. *Discipline.*

257. Every Person who by any Means whatever persuades or attempts to persuade any Seaman or Apprentice to neglect or refuse to join or to proceed to Sea in or to desert from his Ship, or otherwise to absent himself from his Duty, shall for each such Offence in respect of each such Seaman or Apprentice incur a Penalty not exceeding Ten Pounds; and every Person who wilfully harbours or secretes any Seaman or Apprentice who has deserted from his Ship, or who has wilfully neglected or refused to join or has deserted from his Ship, knowing or having Reason to believe such Seaman or Apprentice to have so done, shall for every such Seaman or Apprentice so harboured or secreted incur a Penalty not exceeding Twenty Pounds. Penalty for enticing to desert, and harbouring Deserters.

258. Any Person who secretes himself and goes to Sea in any Ship without the Consent of either the Owner, Consignee, or Master, or of a Mate, or of any Person in charge of such Ship, or of any other Person entitled to give such Consent, shall incur a Penalty not exceeding Twenty Pounds, or be liable to Imprisonment with or without Hard Labour for any Period not exceeding Four Weeks. Penalty for obtaining Passage surreptitiously.

259. If during the Progress of a Voyage the Master is superseded or for any other Reason quits the Ship and is succeeded in the Command by some other Person, he shall deliver to his Successor the various Documents relating to the Navigation of the Ship and to the Crew thereof which are in his Custody, and shall in default incur a Penalty not exceeding One hundred Pounds; and such Successor shall immediately on assuming the Command of the Ship enter in the Official Log a List of the Documents so delivered to him. On Change of Masters, Documents hereby required to be handed over to Successor.

Naval Courts on the High Seas and abroad. *Naval Courts.*

260. Any Officer in command of any Ship of Her Majesty on any Foreign Station, or, in the Absence of such Officer, any Consular Officer, may summon a Court, to be termed a "Naval Court," in the following Cases; (that is to say,) Naval Courts may be summoned for hearing Complaints, and investigating Wrecks on the High Seas or abroad

(1.) Whenever a Complaint which appears to such Officer to require immediate Investigation is made to him by the Master of any *British* Ship, or by any certificated Mate, or by One or more of the Seamen belonging to any such Ship:

(2.) When-

Naval Courts.

(2.) Whenever the Interest of the Owner of any *British* Ship or of the Cargo of any such Ship appears to such Officer to require it:

(3.) Whenever any *British* Ship is wrecked or abandoned or otherwise lost at or near the Place where such Officer may be, or whenever the Crew or Part of the Crew of any *British* Ship which has been wrecked, abandoned, or lost abroad, arrives at such Place.

Constitution of such Courts.

261. Every such Naval Court as aforesaid shall consist of not more than Five and not less than Three Members, of whom, if possible, One shall be an Officer in the Naval Service of Her Majesty not below the Rank of Lieutenant, One a Consular Officer, and One a Master of a *British* Merchant Ship, and the rest shall be either Officers in the Naval Service of Her Majesty, Masters of *British* Merchant Ships, or *British* Merchants; and such Court may include the Naval or Consular Officer summoning the same, but shall not include the Master or Consignee of the Ship to which the Parties complaining or complained against may belong; and the Naval or Consular Officer in such Court, if there is only One such Officer in the Court, or, if there is more than One, the Naval or Consular Officer who, according to any Regulations for settling their respective Ranks for the Time being in force, is of the highest Rank, shall be the President of such Court.

General Functions and Mode of Action of such Courts.

262. Every such Naval Court shall hear and investigate the Complaint brought before it, or the Cause of the Wreck or Abandonment, (as the Case may be,) and may for that Purpose summon and compel the Attendance of Parties and Witnesses, and administer Oaths, and order the Production of Documents, and shall conduct the Investigation in such Manner as to give any Person against whom any Charge is made an Opportunity of making a Defence.

Powers of such Courts: the following Powers; (that is to say,)

263. Every such Naval Court may, after hearing the Case, exercise

To supersede the Master:

(1.) It may, if unanimous that the Safety of the Ship or Crew, or the Interest of the Owner, absolutely requires it, supersede the Master, and may appoint another Person to act in his Stead; but no such Appointment shall be made without the Consent of the Consignee of the Ship, if then at the Place:

To discharge a Seaman:

(2.) It may discharge any Seaman from his Ship:

To forfeit Wages:

(3.) It may order the Wages of any Seaman so discharged or any Part of such Wages to be forfeited, and may direct the same either to be retained by way of Compensation to the Owner, or to be paid into the Receipt of Her Majesty's Exchequer in the same Manner as other Penalties and Forfeitures under this Act:

To decide Disputes as to Wages, &c.:

(4.) It may decide any Questions as to Wages, or Fines, or Forfeitures, arising between any of the Parties to the Proceedings:

(5.) It

Naval Courts.

(5.) It may direct that all or any of the Costs incurred by the Master or Owner of any Ship in procuring the Imprisonment of any Seaman or Apprentice in a Foreign Port, or in his Maintenance whilst so imprisoned, shall be paid out of and deducted from the Wages of such Seaman or Apprentice, whether then or subsequently earned:

To direct Costs of Imprisonment to be paid out of Wages.

(6.) It may exercise the same Powers with regard to Persons charged before it with the Commission of Offences at Sea or abroad as are by this Act given to *British* Consular Officers:

To send home Offenders for Trial.

(7.) It may order the Costs of the Proceeding before it (if any), or any Portion thereof, to be paid by any of the Parties thereto, and may order any Person making a frivolous or vexatious Complaint to pay Compensation for any Loss or Delay caused thereby; and any Cost or Compensation so ordered shall be paid by such Person accordingly, and may be recovered in the same Manner in which the Wages of Seamen are recoverable, or may, if the Case admits, be deducted from his Wages:

To order Payment of Costs, &c.

And all Orders duly made by any such Court under the Powers hereby given to it shall in any subsequent legal Proceedings be deemed conclusive as to the Rights of the Parties.

264. All Orders made by any such Naval Court shall, whenever practicable, be entered in the Official Log Book of the Ship to which the Parties to the Proceedings before it belong, and shall be signed by the President of the Court.

Orders to be entered in Official Log.

265. Every such Naval Court shall make a Report to the Board of Trade, containing the following Particulars; (that is to say,)

Report to be made of Proceedings of Naval Courts.

(1.) A Statement of the Proceedings, with the Order made by the Court, and a Report of the Evidence:

(2.) An Account of the Wages of any Seaman or Apprentice who is discharged from his Ship by such Court:

(3.) If summoned in order to inquire into a Case of Wreck or Abandonment, a Statement of the Opinion of the Court as to the Cause of such Wreck or Abandonment, with such Remarks on the Conduct of the Master and Crew as the Circumstances require:

And every such Report shall be signed by the President of the Court; and every Document purporting to be such a Report and to be so signed as aforesaid shall, if produced out of the Custody of some Officer of the Board of Trade, be deemed to be such Report, unless the contrary is proved, and shall be received in Evidence, subject to all just Exceptions.

266. Any Person who wilfully and without due Cause prevents or obstructs the making of any such Complaint as last aforesaid, or the Conduct of any Case or Investigation by any Naval Court, shall for each

Penalty for preventing Complaint or obstructing Investigation.

Naval Courts.

each such Offence incur a Penalty not exceeding Fifty Pounds, or be liable to Imprisonment with or without Hard Labour for any Period not exceeding Twelve Weeks.

Crimes committed abroad.

Crimes committed on the High Seas and abroad.

Offences committed by British Seamen at Foreign Ports to be within Admiralty Jurisdiction.

267. All Offences against Property or Person committed in or at any Place either ashore or afloat out of Her Majesty's Dominions by any Master, Seaman, or Apprentice who at the Time when the Offence is committed is or within Three Months previously has been employed in any *British* Ship shall be deemed to be Offences of the same Nature respectively, and be liable to the same Punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same Manner and by the same Courts and in the same Places as if such Offences had been committed within the Jurisdiction of the Admiralty of *England;* and the Costs and Expenses of the Prosecution of any such Offence may be directed to be paid as in the Case of Costs and Expenses of Prosecutions for Offences committed within the Jurisdiction of the Admiralty of *England.*

Conveyance of Offenders and Witnesses to United Kingdom or some British Possession.

268. The following Rules shall be observed with respect to Offences committed on the High Seas or abroad; (that is to say,)

(1.) Whenever any Complaint is made to any *British* Consular Officer of any of the Offences mentioned in the last preceding Section, or of any Offence on the High Seas having been committed by any Master, Seaman, or Apprentice belonging to any *British* Ship, such Consular Officer may inquire into the Case upon Oath, and may if the Case so requires take any Steps in his Power for the Purpose of placing the Offender under necessary Restraint and of sending him as soon as practicable in safe Custody to the United Kingdom, or to any *British* Possession in which there is a Court capable of taking cognizance of the Offence, in any Ship belonging to Her Majesty or to any of Her Subjects, to be there proceeded against according to Law:

(2.) For the Purpose aforesaid such Consular Officer may order the Master of any Ship belonging to any Subject of Her Majesty bound to the United Kingdom or to such *British* Possession as aforesaid to receive and afford a Passage and Subsistence during the Voyage to any such Offender as aforesaid, and to the Witnesses, so that such Master be not required to receive more than One Offender for every One hundred Tons of his Ship's registered Tonnage, or more than One Witness for every Fifty Tons of such Tonnage; and such Consular Officer shall indorse upon the Agreement of the Ship such Particulars with respect to any Offenders or Witnesses sent in her as the Board of Trade requires:

(3.) Every

(3.) Every such Master shall on his Ship's Arrival in the United Kingdom, or in such *British* Possession as aforesaid, give every Offender so committed to his Charge into the Custody of some Police Officer or Constable, who shall take the Offender before a Justice of the Peace or other Magistrate by Law empowered to deal with the Matter, and such Justice or Magistrate shall deal with the Matter as in Cases of Offences committed upon the High Seas: *Crimes committed abroad*

And any such Master as aforesaid who, when required by any *British* Consular Officer to receive and afford a Passage and Subsistence to any Offender or Witness, does not receive him and afford such Passage and Subsistence to him, or who does not deliver any Offender committed to his Charge into the Custody of some Police Officer or Constable as herein-before directed, shall for each such Offence incur a Penalty not exceeding Fifty Pounds; and the Expense of imprisoning any such Offender and of conveying him and the Witnesses to the United Kingdom or to such *British* Possession as aforesaid in any Manner other than in the Ship to which they respectively belong, shall be Part of the Costs of the Prosecution, or be paid as Costs incurred on account of seafaring Subjects of Her Majesty left in Distress in Foreign Parts.

269. Whenever any Case of Death happens on board any Foreign-going Ship, the Shipping Master shall on the Arrival of such Ship at the Port where the Crew is discharged inquire into the Cause of such Death, and shall make on the List of the Crew delivered to him as herein required an Indorsement to the Effect either that the Statement of the Cause of Death therein contained is in his Opinion true or otherwise, as the Result of the Inquiry requires; and every such Shipping Master shall for the Purpose of such Inquiry have the Powers hereby given to Inspectors appointed by the Board of Trade under the First Part of this Act; and if in the course of such Inquiry it appears to him that any such Death as aforesaid has been caused by Violence or other improper Means, he shall either report the Matter to the Board of Trade, or, if the Emergency of the Case so requires, shall take immediate Steps for bringing the Offender or Offenders to Justice. **Inquiry into Cause of Death on board.**

270. Whenever in the course of any legal Proceedings instituted in any Part of Her Majesty's Dominions before any Judge or Magistrate, or before any Person authorized by Law or by Consent of Parties to receive Evidence, the Testimony of any Witness is required in relation to the Subject Matter of such Proceeding, then upon due Proof, if such Proceeding is instituted in the United Kingdom, that such Witness cannot be found in that Kingdom, or if in any *British* Possession, that he cannot be found in the same Possession, any Deposition that such Witness may have previously made on Oath in relation to the same Subject Matter before any Justice or Magistrate in Her Majesty's Dominions, or any *British* Consular Officer elsewhere, shall be **Depositions to be received in Evidence when Witness cannot be produced.**

Crimes committed abroad.

be admissible in Evidence subject to the following Restrictions; (that is to say,)

(1.) If such Deposition was made in the United Kingdom, it shall not be admissible in any Proceeding instituted in the United Kingdom:

(2.) If such a Deposition was made in any *British* Possession, it shall not be admissible in any Proceeding instituted in the same *British* Possession:

(3.) If the Proceeding is Criminal it shall not be admissible unless it was made in the Presence of the Person accused:

Every Deposition so made as aforesaid shall be authenticated by the Signature of the Judge, Magistrate, or Consular Officer, before whom the same is made; and such Judge, Magistrate, or Consular Officer shall, when the same is taken in a Criminal Matter, certify, if the Fact is so, and that the accused was present at the taking thereof, but it shall not be necessary in any Case to prove the Signature or official Character of the Person appearing to have signed any such Deposition; and in any Criminal Proceeding such Certificate as aforesaid shall, unless the contrary is proved, be sufficient Evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any Case in which Depositions taken in any Proceeding are rendered admissible in Evidence by any Act of Parliament, or by any Act or Ordinance of the Legislature of any Colony, so far as regards such Colony, or to interfere with the Power of any Colonial Legislature to make such Depositions admissible in Evidence, or to interfere with the Practice of any Court in which Depositions not authenticated as herein-before mentioned are admissible.

Registration and Returns respecting Seamen.

Registration of and Returns respecting Seamen.

Establishment of Register Office

271. There shall be in the Port of *London* an Office, to be called the "General Register and Record Office of Seamen," and the Board of Trade shall have Control over the same, and may appoint and from Time to Time remove a Registrar General, and such Assistants, Clerks, and Servants as may be necessary, and may from Time to Time, with the Consent of the Treasury, regulate their Salaries and Allowances; and such Salaries and Allowances, and all other necessary Expenses, shall be paid by the Treasury out of any Monies to be granted by Parliament for that Purpose; and the Board of Trade may direct the Business of the Register Office at any of the Outports to be transacted at the Shipping Office, or, with the Consent of the Commissioners of Customs, at the Custom House of the Port, and may appoint the Shipping Master, or, with such Consent as aforesaid, some Officer of Customs, to conduct the same; and such Business shall thereupon be conducted accordingly, but shall in all Cases be subject to the immediate Control of the Board of Trade.

272. The

Registration and Returns respecting Seamen.

272. The said Registrar General of Seamen shall by means of the Agreements, Lists, and other Papers to be transmitted to him as herein directed, or by such other Means as are in his Power, keep a Register of all Persons who serve in Ships subject to the Provisions of this Act.

Register of Seamen to be kept.

Lists to be made for all Ships, containing certain Particulars.

273. Every Master of every Foreign-going Ship of which the Crew is discharged in the United Kingdom, in whatever Part of Her Majesty's Dominions the same is registered, and of every Home Trade Ship, shall make out and sign a List in a Form sanctioned by the Board of Trade, containing the following Particulars; (that is to say,)

(1.) The Number and Date of the Ship's Register and her registered Tonnage:

(2.) The Length and general Nature of the Voyage or Employment:

(3.) The Christian Names, Surnames, Ages, and Places of Birth of all the Crew, including the Master and Apprentices; their Qualities on board, their last Ships or other Employments, and the Dates and Places of their joining the Ship:

(4.) The Names of any Members of the Crew who have died or otherwise ceased to belong to the Ship, with the Times, Places, Causes, and Circumstances thereof:

(5.) The Names of any Members of the Crew who have been maimed or hurt, with the Times, Places, Causes, and Circumstances thereof:

(6.) The Wages due to any of the Crew who have died, at the Times of their respective Deaths:

(7.) The Clothes and other Effects belonging to any of the Crew who have died, with a Statement of the Manner in which they have been dealt with, and the Money for which any of them have been sold:

(8.) The Name, Age, and Sex of every Person, not being one of the Crew, who dies on board, with the Date and the Cause thereof:

(9.) Every Birth which happens on board, with the Date thereof, the Sex of the Infant, and the Names of the Parents:

(10.) Every Marriage which takes place on board, with the Date thereof, and the Names and Ages of the Parties.

Lists for Foreign-going Ships to be delivered to Shipping Master on Arrival.

274. In the Case of Foreign-going Ships, the Master shall, within Forty-eight Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom, or upon the Discharge of the Crew, whichever first happens, deliver to the Shipping Master before whom the Crew is discharged such List as herein-before required, and if he fails so to do shall for every Default incur a Penalty not exceeding Five Pounds; and such Shipping Master shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear Inwards any Foreign-going Ship without the Production of such Certificate, and any such Officer may detain any such Ship until the same is produced.

275. The Master or Owner of every Home Trade Ship shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-

Registration and Returns respecting Seamen.

Lists to be delivered by Home Trade Ships half-yearly.

first Day of *December* in every Year, transmit or deliver to some Shipping Master in the United Kingdom such List as herein-before required for the preceding Half Year, and shall in default incur a Penalty not exceeding Five Pounds; and such Shipping Master shall give to the Master or Owner a Certificate of such Transmission or Delivery; and no Officer of Customs shall grant a Clearance or Transire for any Home Trade Ship without the Production of such Certificate, and any such Officer may detain any such Ship until the same is produced.

Lists to be sent home in case of Transfer of Ship and in case of Loss.

276. If any Ship ceases by reason of Transfer of Ownership or Change of Employment to fall within the Definition of a Foreign-going or of a Home Trade Ship, the Master or Owner thereof shall, if such Ship is then in the United Kingdom, within One Month, and if she is elsewhere, within Six Months, deliver or transmit to the Shipping Master at the Port to which the Ship has belonged such List as herein-before mentioned, duly made out to the Time at which she ceased to be a Foreign-going or Home Trade Ship, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds; and if any Ship is lost or abandoned, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the Port to which the Ship belonged such List as herein-before mentioned duly made out to the Time of such Loss or Abandonment, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds.

Shipping Masters and other Officers to transmit Documents to Registrar.

Registrar to permit Inspection, to produce Originals, and give Copies.

277. All Shipping Masters and Officers of Customs shall take charge of all Documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such Time (if any) as may be necessary for the Purpose of settling any Business arising at the Place where such Documents come into their Hands, or for any other proper Purpose, and shall, if required, produce them for any of such Purposes, and shall then transmit them to the Registrar General of Seamen, to be by him recorded and preserved; and the said Registrar shall, on Payment of a moderate Fee to be fixed by the Board of Trade, or without Payment of any Fee if the Board of Trade so directs, allow any Person to inspect the same; and in Cases in which the Production of the Original of any such Document in any Court of Justice or elsewhere is essential, shall produce the same, and in other Cases shall make and deliver to any Person requiring it a certified Copy of any such Document or of any Part thereof; and every Copy purporting to be so made and certified shall be received in Evidence, and shall have all the Effect of the Original of which it purports to be a Copy.

Officers of Customs to make Re-

278. The Collector or Comptroller of Customs at every Port in the United Kingdom shall on or before the First Day of *February* and the

Registration and Returns respecting Seamen

the First Day of *August* in every Year transmit to the Registrar General of Seamen a List of all Ships registered in such Port, and also of all Ships whose Registers have been transferred or cancelled in such Port since the last preceding Return.

turns of Ships to Registrar.

279. The following Rules shall be observed with respect to the Delivery of Documents to *British* Consular Officers; (that is to say,)

Agreements, Indentures, and Assignments, on Arrival at a Foreign Port to be deposited with the Consul, and at a Colony with the Officers of Customs.

(1.) Whenever any Ship, in whatever Part of Her Majesty's Dominions the same is registered, (except Ships whose Business for the Time being is to carry Passengers,) arrives at any Foreign Port where there is a *British* Consular Officer, or at any Port in any *British* Possession abroad, and remains thereat for Forty-eight Hours, the Master shall, within Forty-eight Hours of the Ship's Arrival, deliver to such Consular Officer, or to the Chief Officer of Customs, (as the Case may be,) the Agreement with the Crew, and also all Indentures and Assignments of Apprenticeships, or, in the Case of a Ship belonging to a *British* Possession, such of the said Documents as such Ship is provided with:

(2.) Such Officer shall keep such Documents during the Ship's Stay in such Port, and, in Cases where any Indorsements upon the Agreement are hereby required, shall duly make the same, and shall return the said Documents to the Master a reasonable Time before his Departure, with a Certificate indorsed on the Agreement, stating when the same were respectively delivered and returned:

(3.) If it appears that the required Forms have been neglected, or that the existing Laws have been transgressed, such Officer shall make an Indorsement to that Effect on the Agreement, and forthwith transmit a Copy of such Indorsement, with the fullest Information he can collect regarding such Neglect or Transgression, to the Registrar General of Seamen:

And if any Master fails to deliver any such Document as aforesaid he shall for every such Default incur a Penalty not exceeding Twenty Pounds; and in any Prosecution for such Penalty it shall lie upon the Master either to produce the Certificate of the Consular Officer or Officer of Customs herein-before required, or to prove that he duly obtained the same, or that it was impracticable for him so to do.

Official Logs.

Official Logs.

Official Logs to be kept in Forms sanctioned by

280. The Board of Trade shall sanction Forms of Official Log Books, which may be different for different Classes of Ships, so that each such Form contains Blanks for the Entries herein-after required; and an Official

Official Log.

Board of Trade.

Official Log of every Ship (except Ships employed exclusively in trading between Ports on the Coasts of the United Kingdom) shall be kept in the appropriate sanctioned Form; and such Official Log may, at the Discretion of the Master or Owner, either be kept distinct from the ordinary Ship's Log or united therewith, so that in all Cases all the Blanks in the Official Log be duly filled up.

Entries to be made in due Time.

281. Every Entry in every Official Log shall be made as soon as possible after the Occurrence to which it relates, and if not made on the same Day as the Occurrence to which it relates, shall be made and dated so as to show the Date of the Occurrence and of the Entry respecting it; and in no Case shall any Entry therein in respect of any Occurrence happening previously to the Arrival of the Ship at her final Port of Discharge be made more than Twenty-four Hours after such Arrival.

Entries required in Official Log.

282. Every Master of a Ship for which an Official Log Book is hereby required shall make or cause to be made therein Entries of the following Matters; (that is to say,)

Convictions.

(1.) Every legal Conviction of any Member of his Crew, and the Punishment inflicted:

Offences.

(2.) Every Offence committed by any Member of his Crew for which it is intended to prosecute, or to enforce a Forfeiture, or to exact a Fine, together with such Statement concerning the reading over such Entry, and concerning the Reply (if any) made to the Charge, as herein-before required:

Punishments.

(3.) Every Offence for which Punishment is inflicted on board, and the Punishment inflicted:

Conduct, &c., of Crew.

(4.) A Statement of the Conduct, Character, and Qualifications of each of his Crew, or a Statement that he declines to give an Opinion on such Particulars:

Illnesses and Injuries.

(5.) Every Case of Illness or Injury happening to any Member of the Crew, with the Nature thereof, and the Medical Treatment adopted (if any):

Deaths.

(6.) Every Case of Death happening on board, and of the Cause thereof:

Births.

(7.) Every Birth happening on board, with the Sex of the Infant and the Names of the Parents:

Marriages.

(8.) Every Marriage taking place on board, with the Names and Ages of the Parties:

Quitting Ship.

(9.) The Name of every Seaman or Apprentice who ceases to be a Member of the Crew, otherwise than by Death, with the Place, Time, Manner, and Cause thereof:

Wages of Men entering Navy.

(10.) The Amount of Wages due to any Seaman who enters Her Majesty's Service during the Voyage;

(11.) The

Official Logs.

(11.) The Wages due to any Seaman or Apprentice who dies during the Voyage, and the gross Amount of all Deductions to be made therefrom: **Wages of deceased Seamen.**

(12.) The Sale of the Effects of any Seaman or Apprentice who dies during the Voyage, including a Statement of each Article sold, and of the Sum received for it: **Sale of deceased Men's Effects.**

(13.) Every Collision with any other Ship, and the Circumstances under which the same occurred. **Collisions.**

283. The Entries hereby required to be made in Official Log Books shall be signed as follows; that is to say, every such Entry shall be signed by the Master and by the Mate or some other of the Crew, and every Entry of Illness, Injury, or Death shall be also signed by the Surgeon or Medical Practitioner on board (if any); and every Entry of Wages due to or of the Sale of the Effects of any Seaman or Apprentice who dies shall be signed by the Master and by the Mate and some other Member of the Crew; and every Entry of Wages due to any Seaman who enters Her Majesty's Service shall be signed by the Master, and by the Seaman or by the Officer authorized to receive the Seaman into such Service. **Entries how to be signed.**

284. The following Offences in respect of Official Log Books shall be punishable as herein-after mentioned; (that is to say,) **Penalties in respect of Official Logs.**

(1.) If in any Case an Official Log Book is not kept in the Manner hereby required, or if any Entry hereby directed to be made in any such Log Book is not made at the Time and in the Manner hereby directed, the Master shall for each such Offence incur the specific Penalty herein mentioned in respect thereof, or where there is no such specific Penalty, a Penalty not exceeding Five Pounds:

(2.) Every Person who makes or procures to be made or assists in making any Entry in any Official Log Book in respect of any Occurrence happening previously to the Arrival of the Ship at her final Port of Discharge more than Twenty-four Hours after such Arrival, shall for each such Offence incur a Penalty not exceeding Thirty Pounds:

(3.) Every Person who wilfully destroys or mutilates or renders illegible any Entry in any Official Log Book, or who wilfully makes or procures to be made or assists in making any false or fraudulent Entry or Omission in any such Log Book, shall for each such Offence be deemed guilty of a Misdemeanor.

Official Log.

Entries in Official Logs to be received in Evidence.

285. All Entries made in any Official Log Book as herein-before directed shall be received in Evidence in any Proceeding in any Court of Justice, subject to all just Exceptions.

Official Logs to be delivered to Shipping Master.

286. In the Case of Foreign-going Ships the Master shall, within Forty-eight Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom, or upon the Discharge of the Crew, whichever first happens, deliver to the Shipping Master before whom the Crew is discharged the Official Log Book of the Voyage; and the Master or Owner of every Home Trade Ship, not exclusively employed in trading between Ports on the Coasts in the United Kingdom, shall within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year transmit or deliver to some Shipping Master in the United Kingdom the Official Log Book for the preceding Half Year; and every Master or Owner who refuses or neglects to deliver his Official Log Book as hereby required shall be subject to the same Consequences and Liabilities to which he is hereby made subject for the Non-delivery of the List of his Crew herein-before mentioned.

Official Logs to be sent home in case of Transfer of Ship, and in case of Loss.

287. If any Ship ceases by reason of Transfer of Ownership or Change of Employment to fall within the Definition of a Foreign-going or of a Home Trade Ship, the Master or Owner thereof shall if such Ship is then in the United Kingdom, within One Month, and if she is elsewhere, within Six Months, deliver or transmit to the Shipping Master at the Port to which the Ship belonged the Official Log Book (if any) duly made out to the Time at which she ceased to be a Foreign-going or Home Trade Ship, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds; and if any Ship is lost or abandoned, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the Port to which the Ship belonged the Official Log Book (if any) duly made out to the Time of such Loss or Abandonment, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds.

East Indies and Colonies.

Provisions of Act, as applied by East Indian and Colonial Governments to their own Ships, may be enforced

East Indies and Colonies.

288. If the Governor General of *India* in Council, or the respective Legislative Authorities in any *British* Possession abroad, by any Acts, Ordinances, or other appropriate legal Means, apply or adapt any of the Provisions in the Third Part of this Act contained to any *British* Ships registered at, trading with, or being at any Place within their respective Jurisdictions, and to the Owners, Masters, Mates, and Crews thereof, such Provisions, when so applied and

and adapted as aforesaid, and as long as they remain in force, shall in respect of the Ships and Persons to which the same are applied be enforced, and Penalties and Punishments for the Breach thereof shall be recovered and inflicted, throughout Her Majesty's Dominions, in the same Manner as if such Provisions had been hereby so adopted and applied, and such Penalties and Punishments had been hereby expressly imposed.

East Indies and Colonies.

throughout the Empire.

289. Every Act, Ordinance, or other Form of Law to be passed or promulgated by the Governor General of *India* in Council, or by any other Legislative Authority, in pursuance of this Act, shall respectively be subject to the same Right of Disallowance or Repeal, and require the same Sanction or other Acts and Formalities, and be subject to the same Conditions in all respects, as exist and are required in order to the Validity of any other Act, Ordinance, or other Form of Law passed by such Governor General in Council or other Legislative Authority respectively.

East Indian and Colonial Acts to be subject to Disallowance, and require Sanction as in other Cases.

290. If in any Matter relating to any Ship or to any Person belonging to any Ship there appears to be a Conflict of Laws, then, if there is in the Third Part of this Act any Provision on the Subject which is hereby expressly made to extend to such Ship, the Case shall be governed by such Provision, and if there is no such Provision the Case shall be governed by the Law of the Place in which such Ship is registered.

Conflict of Laws

PART IV.

SAFETY AND PREVENTION OF ACCIDENTS.

Application.

Application.

291. The Fourth Part of this Act shall apply to all *British* Ships; and all Foreign Steam Ships carrying Passengers between Places in the United Kingdom shall be subject to all the Provisions contained in the Fourth Part of this Act, and likewise to the same Provisions with respect to the Certificates of the Masters and Mates thereof to which *British* Steam Ships are subject.

Application of Part IV. of Act.

Boats for Sea-going Ships.

Boats for Sea-going Ships.

292. The following Rules shall be observed with respect to Boats and Life Buoys; (that is to say,)

Rules as to Boats and Life Buoys.

(1.) No decked Ship (except Ships used solely as Steam Tugs and Ships engaged in the Whale Fishery) shall proceed to Sea from any

Boats for Sea-going Ships.

any Place in the United Kingdom, unless she is provided, according to her Tonnage, with Boats duly supplied with all Requisites for Use, and not being fewer in Number nor less in their Cubic Contents than the Boats the Number and Cubic Contents of which are specified in the Table marked S. in the Schedule hereto for the Class to which such Ship belongs:

(2.) No Ship carrying more than Ten Passengers shall proceed to Sea from any Place in the United Kingdom, unless, in addition to the Boats herein-before required, she is also provided with a Life Boat furnished with all Requisites for Use, or unless One of her Boats herein-before required is rendered buoyant after the Manner of a Life Boat:

(3.) No such Ship as last aforesaid shall proceed to Sea unless she is also provided with Two Life Buoys:

And such Boats and Life Buoys shall be kept so as to be at all Times fit and ready for Use: Provided, that the Enactments with respect to Boats and Life Buoys herein contained shall not apply in any Case in which a Certificate has been duly obtained under the Tenth Section of the "Passengers Act, 1852."

15 & 16 Vict. c. 44. s. 10.

Penalties on Masters and Owners, &c. neglecting to provide Boats and Life Buoys.

293. In any of the following Cases, (that is to say,)

(1.) If any Ship herein-before required to be provided with Boats or Life Buoys proceeds to Sea without being so provided therewith, or if any of such Boats or Life Buoys are lost or rendered unfit for Service in the course of the Voyage through the wilful Fault or Negligence of the Owner or Master; or,

(2.) If, in case of any of such Boats or Life Buoys being accidentally lost or injured in the course of the Voyage, the Master wilfully neglects to replace or repair the same on the first Opportunity; or,

(3.) If such Boats and Life Buoys are not kept so as to be at all Times fit and ready for Use;

Then if the Owner appears to be in fault he shall incur a Penalty not exceeding One hundred Pounds, and if the Master appears to be in fault he shall incur a Penalty not exceeding Fifty Pounds.

Officers of Customs not to clear Ships not complying with the above Provisions.

294. No Officer of Customs shall grant a Clearance or Transire for any Ship herein-before required to be provided with Boats or with Life Buoys unless the same is duly so provided; and if any such Ship attempts to go to Sea without such Clearance or Transire any such Officer may detain her until she is so provided.

Lights

Lights and Fog Signals, and Meeting and Passing.

Rules as to Lights, Meeting and Passing.

295. The following Rules shall be observed with regard to Lights and Fog Signals; (that is to say,)

Regulations as to Lights and Fog Signals.

(1.) The Admiralty shall from Time to Time make Regulations requiring the Exhibition of such Lights, by such Classes of Ships, whether Steam or Sailing Ships, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same:

(2.) The Admiralty may, if they think fit, make Regulations requiring the Use of such Fog Signals, by such Classes of Ships, whether Steam or Sailing Ships, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same:

(3.) All Regulations made in pursuance of this Section shall be published in the *London Gazette*, and shall come into operation on a Day to be named in the Gazette in which they are published, and the Admiralty shall cause all such Regulations to be printed, and shall furnish a Copy thereof to any Owner or Master of a Ship who applies for the same, and Production of the Gazette containing such Regulations shall be sufficient Evidence of the due making and Purport thereof:

(4.) All Owners and Masters shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such Lights, and use such Fog Signals, at such Times, within such Places, in such Manner, and under such Circumstances as are enjoined by such Regulations, and shall not exhibit any other Lights or use any other Fog Signals, and in case of Default the Master, or the Owner of the Ship, if it appears that he was in fault, shall for each Occasion upon which such Regulations are infringed incur a Penalty not exceeding Twenty Pounds.

Rule as to Ships meeting each other.

296. Whenever any Ship, whether a Steam or Sailing Ship, proceeding in one Direction, meets another Ship, whether a Steam or Sailing Ship, proceeding in another Direction, so that if both Ships were to continue their respective Courses they would pass so near as to involve any Risk of a Collision, the Helms of both Ships shall be put to Port so as to pass on the Port Side of each other; and this Rule shall be obeyed by all Steam Ships and by all Sailing Ships whether on the Port or Starboard Tack, and whether close-hauled or not, unless the Circumstances of the Case are such as to render a Departure from the Rule necessary in order to avoid immediate Danger, and subject also to the Proviso that due Regard shall be had to the Dangers of Navigation, and, as regards Sailing Ships on the Starboard Tack close-hauled, to the keeping such Ships under Command.

297. Every

Rules as to Lights, Meeting, and Passing

Rule for Steamers in narrow Channels.

297. Every Steam Ship, when navigating any narrow Channel, shall, whenever it is safe and practicable, keep to that Side of the Fairway or Mid-channel which lies on the Starboard Side of such Steam Ship.

If Collision ensues from Breach of the above Rules, Owner not to be entitled to

298. If in any Case of Collision it appears to the Court before which the Case is tried that such Collision was occasioned by the Non-observance of any Rule for the Exhibition of Lights or the Use of Fog Signals issued in pursuance of the Powers herein-before contained, or of the foregoing Rule as to the passing of Steam and Sailing Ships, or of the foregoing Rule as to a Steam Ship keeping to that Side of a narrow Channel which lies on the Starboard Side, the Owner of the Ship by which such Rule has been infringed shall not be entitled to recover any Recompence whatever for any Damage sustained by such Ship in such Collision, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Rule necessary.

Breaches of such Rules to imply wilful Default.

299. In case any Damage to Person or Property arises from the Non-observance by any Ship of any of the said Rules, such Damage shall be deemed to have been occasioned by the wilful Default of the Person in charge of the Deck of such Ship at the Time, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Rule necessary.

Build and Equipment of Steam Ships.

Iron Steamers to be divided by Water-tight Partitions.

Build and Equipment of Steam Ships.

300. The following Rules shall be observed with respect to the Build of Iron Steam Ships; (that is to say,)

(1.) Every Steam Ship built of Iron, of One hundred Tons or upwards the building of which commenced after the Twenty-eighth Day of *August* One thousand eight hundred and forty-six, and every Steam Ship built of Iron of less Burden than One hundred Tons the building of which commenced after the Seventh Day of *August* One thousand eight hundred and fifty-one, (except Ships used solely as Steam Tugs,) shall be divided by substantial transverse Water-tight Partitions, so that the Fore Part of the Ship shall be separated from the Engine Room by One of such Partitions, and so that the After Part of such Ship shall be separated from the Engine Room by another of such Partitions:

(2.) Every Steam Ship built of Iron the building of which commences after the passing of this Act, shall be divided by such Partitions as aforesaid into not less than Three equal Parts, or as nearly so as Circumstances permit:

(3.) In such last-mentioned Ships each such Partition as aforesaid shall be of equal Strength with the Side Plates of the Ship with which it is in contact:

(4.) Every

(4.) Every Screw Steam Ship built of Iron, the building of which commences after the passing of this Act, shall, in addition to the above Partitions, be fitted with a small Water-tight Compartment inclosing the After-extremity of the Shaft:

Build and Equipment of Steam Ships.

And no Officer of Customs or other Person shall grant a Clearance or Transire for any Iron Steam Ship required to be divided or fitted as aforesaid, unless the same is so divided and fitted; and if any such Ship attempts to ply or go to Sea without such Clearance or Transire, any such Officer may detain her until she is so divided and fitted; and if any Steam Ship herein-before required to be so divided or fitted plies or goes to Sea without being so divided or fitted, the Owner shall incur a Penalty not exceeding One hundred Pounds.

Officers of Customs not to grant Certificates except so divided.

301. Steam Ships shall be provided as follows; (that is to say,)

Equipment of Steam Ships.

(1.) Every Steam Ship of which a Survey is hereby required shall be provided with a Safety Valve upon each Boiler, so constructed as to be out of the Control of the Engineer when the Steam is up, and, if such Valve is in addition to the ordinary Valve, it shall be so constructed as to have an Area not less and a Pressure not greater than the Area of and Pressure on that Valve:

Safety Valve.

(2.) Every Sea-going Steam Ship employed to carry Passengers shall have her Compasses properly adjusted from Time to Time; such Adjustment, in the Case of Ships surveyed as herein-after mentioned, to be made to the Satisfaction of the Shipwright Surveyor, and according to such Regulations as may be issued by the Board of Trade:

Compasses to be adjusted.

(3.) Every Sea-going Steam Ship (unless used solely as a Steam Tug) shall be provided with a Hose adapted for the Purpose of extinguishing Fire in any Part of the Ship and capable of being connected with the Engines of the Ship:

Fire Hose.

(4.) Every Sea-going Steam Ship employed to carry Passengers shall be provided with the following Means of making Signals of Distress; (that is to say,) Twelve Blue Lights or Twelve Port Fires, and One Cannon with Ammunition for at least Twelve Charges, or, in the Discretion of the Master or Owner of such Ship, with such other Means of making Signals (if any) as may have previously been approved by the Board of Trade:

Signals.

(5.) Every Home Trade Steam Ship employed to carry Passengers by Sea shall be provided with such Shelter for the Protection of Deck Passengers (if any) as the Board of Trade, having regard to the Nature of the Passage, the Number of Deck Passengers to be carried, the Season of the Year, the Safety of the Ship, and the Circumstances of the Case, may require.

Shelter for Deck Passengers.

And

Build and Equipment of Steam Ships.

And if any Steam Ship as aforesaid plies or goes to Sea from any Port in the United Kingdom without being so provided as herein-before required, then for each Default in any of the above Requisites the Owner shall (if he appears to be in fault) incur a Penalty not exceeding One hundred Pounds, and the Master shall (if he appears to be in fault) incur a Penalty not exceeding Fifty Pounds.

Penalty for improper Weight on Safety Valve.

302. If any Person places an undue Weight on the Safety Valve of any Steam Ship, or, in the Case of Steam Ships surveyed as herein-after mentioned, increases such Weight beyond the Limits fixed by such Engineer Surveyor as herein-after mentioned, he shall, in addition to any other Liabilities he may incur by so doing, incur a Penalty not exceeding One hundred Pounds.

Survey of Passenger Steamers.

Survey of Passenger Steamers.

Definition Passenger Steamer.

303. For the Purpose of the Enactments herein contained with respect to Surveys and Certificates of Passenger Steam Ships, the Word "Passengers" shall be held to include any Persons carried in a Steam Ship, other than the Master and Crew and the Owner, his Family and Servants; and the Expression "Passenger Steamer" shall be held to include every *British* Steam Ship carrying Passengers to, from, or between any Place or Places in the United Kingdom, excepting Steam Ferry Boats working in Chains, commonly called Steam Bridges.

Passenger Steamers to be surveyed.

304. Every Passenger Steamer shall be surveyed twice at the least in each Year in manner herein-after mentioned.

Board of Trade to appoint Surveyors, and fix their Remuneration.

305. The Board of Trade may from Time to Time appoint such Number of fit and proper Persons to be Shipwright Surveyors and Engineer Surveyors for the Purposes of this Act at such Ports or Places as it thinks proper, and may also appoint a Surveyor General for the United Kingdom, and may from Time to Time remove such Surveyors or any of them, and may from Time to Time fix and alter the Rates of Remuneration to be received by such Surveyors.

Surveyors to have Power to inspect.

306. It shall be lawful for the said Surveyors in the Execution of their Duties to go on board any Steam Ship at all reasonable Times, and to inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof, or any Certificates of the Master or Mate to which the Provisions of this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Ship from proceeding on any Voyage, and, if in consequence of any Accident to any such Ship or for any other Reason they consider it necessary so to do, to require the Ship to be taken into Dock for the Purpose of surveying the Hull thereof; and any Person who hinders any such Surveyor from going on board any such

such Steam Ship, or otherwise impedes him in the Execution of his Duty under this Act, shall incur a Penalty not exceeding Five Pounds.

Survey of Passenger Steamers.

307. The said Surveyors shall execute their Duties under the Direction of the Board of Trade, and such Board shall make Regulations as to the Manner in which the Surveys herein-after mentioned shall be made, and as to the Notice to be given to the Surveyors when Surveys are required, and as to the Amount and Payment of any travelling or other Expenses incurred by such Surveyors in the Execution of their Duties, and may thereby determine the Persons by whom and the Conditions under which such Payment shall be made.

Board of Trade to regulate Mode of making Surveys.

308. Every Surveyor who demands or receives directly or indirectly from the Owner or Master of any Ship surveyed by him under the Provisions of this Act any Fee or Remuneration whatsoever for or in respect of such Survey, otherwise than as the Officer and by the Direction of the Board of Trade, shall incur a Penalty not exceeding Fifty Pounds.

Penalty on Surveyors receiving Fees unlawfully.

309. The Owner of every Passenger Steamer shall cause the same to be surveyed at the Times herein-after directed by One of the said Shipwright Surveyors and by One of the said Engineer Surveyors so appointed as aforesaid; such Shipwright Surveyor being, in the Case of Iron Steamers, a Person who is in the Judgment of the Board of Trade properly qualified to survey such Ships; and such Surveyors shall thereupon, if satisfied that they can with Propriety do so, give to such Owner Declarations as follows:

Owners to have Surveys made by Shipwright and Engineer Surveyors, and Surveyors to give Declarations.

The Declaration of the Shipwright Surveyor shall contain Statements of the following Particulars; (that is to say,)

(1.) That the Hull of the Ship is sufficient for the Service intended and in good Condition:

(2.) That the Partitions, Boats, Life Buoys, Lights, Signals, Compasses, and Shelter for Deck Passengers, and the Certificates of the Master and Mate or Mates, are such, and in such Condition, as required by this Act:

(3.) The Time (if less than Six Months) for which the said Hull and Equipments will be sufficient:

(4.) The Limits (if any) beyond which, as regards the Hull and Equipments, the Ship is in the Surveyor's Judgment not fit to ply:

(5.) The Number of Passengers which the Ship is in the Judgment of the Surveyor fit to carry, distinguishing, if necessary, between the respective Numbers to be carried on the Deck and in the Cabins, and in different Parts of the Deck and Cabins; such Numbers to be subject to such Conditions and Variations, according to the Time of Year, the Nature of the Voyage, the Cargo carried, or other Circumstances, as the Case requires:

Survey of Passenger Steamers

And the Declaration of the Engineer Surveyor shall contain Statements of the following Particulars; (that is to say,)

(1.) That the Machinery of the Ship is sufficient for the Service intended, and in good Condition:

(2.) The Time (if less than Six Months) for which such Machinery will be sufficient:

(3.) That the Safety Valves and Fire Hose are such and in such Condition as are required by this Act:

(4.) The Limits of the Weight to be placed on the Safety Valves:

(5.) The Limits (if any) beyond which, as regards the Machinery, the Ship is in the Surveyor's Judgment not fit to ply:

And such Declarations shall be in such Form as the Board of Trade directs.

Transmission of Declarations to Board of Trade.

Penalty for Delay.

310. The said Owner shall transmit such Declarations to the Board of Trade within Fourteen Days after the Dates of the Receipt thereof respectively; and in default shall forfeit a Sum not exceeding Ten Shillings for every Day that the sending of such Declarations is delayed; and such Sum shall be paid upon the Delivery of the Certificate herein-after mentioned in addition to the Fee payable for the same, and shall be applied in the same Manner as such Fees.

Times appointed for Surveys and Transmission of Declarations.

311. In all Cases where it is possible the said half-yearly Surveys shall be made in the Months of *April* and of *October*, and the Declarations shall be transmitted on or before the Thirtieth Day of *April* and the Thirty-first Day of *October* respectively; but if the Owner of any Passenger Steamer is unable to have the same surveyed in the Month of *April* or *October*, (as the Case may be,) either by reason of such Ship being absent from the United Kingdom during the whole of those Periods respectively, or by reason of such Ship or the Machinery thereof being under Construction or Repair, or of such Ship being laid up in Dock, or for any other Reason satisfactory to the Board of Trade, then he shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such Declarations to the Board of Trade within Fourteen Days after the Receipt thereof, together with a Statement of the Reasons which have prevented the Survey of such Ship at the Time herein-before prescribed, and shall, in case of Delay in transmitting the Declarations, be liable to a Forfeiture similar to that mentioned in the last preceding Section.

Board of Trade to issue Certificates.

312. Upon the Receipt of such Declarations the Board of Trade shall, if satisfied that the Provisions of the Fourth Part of this Act have been complied with, cause a Certificate in Duplicate to be prepared and issued to the Effect that the Provisions of the Law with respect to the

the Survey of the Ship and the Transmission of Declarations in respect thereof have been complied with; and such Certificate shall state the Limits (if any) beyond which, according to the Declaration of the Surveyors, such Ship is not fit to ply, and shall also contain a Statement of the Number of Passengers which, according to the Declaration of the Shipwright Surveyor, such Ship is fit to carry, distinguishing (if necessary) between the respective Numbers to be carried on the Deck and in the Cabins and in different Parts of the Deck and Cabins, such Number to be subject to such Conditions and Variations according to the Time of Year, the Nature of the Voyage, the Cargo carried, and other Circumstances, as the Case requires.

Survey of Passenger Steamers.

Issue and Transmission of Certificates.

313. The Board of Trade shall transmit such duplicate Certificate to the Shipping Master or to some other public Officer at such Port as the Owner may mention for the Purpose or at the Port where the Owner or his Agent resides or where the Ship was surveyed and is for the Time being lying, and shall cause Notice of such Transmission to be given by Post or otherwise to the Master or Owner or his Agent; and the said Shipping Master or Officer shall deliver such duplicate Certificate to the said Owner, Master, or Agent on his applying and paying the Fees and other Sums (if any) herein mentioned as payable in that Behalf; and in proving the due Issue and Transmission to the Owner, Agent, or Master of such Certificate, it shall be sufficient to show that the same has been duly received by such Shipping Master or Public Officer as aforesaid, and that due Notice of the Transmission thereof to such Shipping Master or Officer has been given to such Owner, Master, or Agent.

Fees to be paid for Certificates.

314. The Owner of every Passenger Steamer requiring a Certificate under the Fourth Part of this Act shall pay for every Certificate granted by the Board of Trade such Fees as such Board directs, not exceeding the Fees mentioned in the Table marked T. in the Schedule hereto.

How long Certificates to continue in force.

315. No Certificate shall be held to be in force for the Purposes of the Fourth Part of this Act beyond the Date fixed by the Board of Trade for the Expiration thereof; and no Certificate shall be in force after Notice is given by the Board of Trade to the Owner, Agent, or Master of the Ship to which the same relates, that such Board has cancelled or revoked the same: Provided, that if any Passenger Steamer is absent from the United Kingdom at the Time when her Certificate expires, no Penalty shall be incurred for the Want of a Certificate until she first begins to ply with Passengers after her next subsequent Return to the United Kingdom; and the Board of Trade may require any Certificate which has expired, or has been revoked or cancelled, to be delivered up as it directs; and any Owner or Master

Survey of Passenger Steamers.

Master who, without reasonable Cause, neglects or refuses to comply with such Requirement, shall incur a Penalty not exceeding Ten Pounds.

Board of Trade may cancel Certificates, and require fresh Declarations.

316. The Board of Trade may revoke and cancel such Certificates in any Case in which it has Reason to believe,—

(1.) That the Declarations of the Sufficiency and good Condition of the Hull, Equipments, and Machinery of any Passenger Steamer, or either of them, have been fraudulently or erroneously made; or,

(2.) That such Certificate has otherwise been issued upon false or erroneous Information; or,

(3.) That since the making of such Declarations the Hull, Equipments, or Machinery of such Ship have sustained any Injury, or are otherwise insufficient:

And in every such Case the Board of Trade may, if it thinks fit, require the Owner to have the Hull, Equipments, or Machinery of such Ship again surveyed, and to transmit a further Declaration or Declarations of the Sufficiency and good Condition thereof, before re-issuing any Certificate or granting a fresh one in lieu thereof.

Copy of Certificate to be placed in conspicuous Part of Ship.

317. The Owner or Master of every Passenger Steamer shall forthwith on the Transmission of any such Certificate as aforesaid to him or his Agent cause One of the Duplicates thereof so transmitted to be put up in some conspicuous Part of the Ship, so as to be visible to all Persons on board the same, and shall cause it to be continued so put up so long as such Certificate remains in force and such Ship is in use; and in default such Owner or Master shall for every Offence incur a Penalty not exceeding Ten Pounds.

Ship not to proceed on her Voyage without Certificate.

318. It shall not be lawful for any Passenger Steamer to proceed to Sea or upon any Voyage or Excursion with any Passengers on board, unless the Owner thereof has transmitted to the Board of Trade the Declarations herein-before required, nor unless the Owner or Master thereof has received from such Board such a Certificate as herein-before provided for, such Certificate being a Certificate applicable to the Voyage or Excursion on which such Ship is about to proceed; and no Officer of Customs shall grant any Clearance or Transire for any Passenger Steamer unless upon the Production of such Certificate as aforesaid (being a Certificate then in force and applicable as aforesaid); and if any Passenger Steamer attempts to ply or go to Sea without such Production, any such Officer may detain her until such Certificate is produced; and if any Passenger Steamer plies or goes to Sea with any Passengers on board, without having One of the Duplicates of such Certificate as aforesaid (being a Certificate then in force, and applicable as aforesaid,) so put up as aforesaid in some conspicuous Part of the Ship, the Owner thereof shall for such Offence incur a Penalty

a Penalty not exceeding One hundred Pounds, and the Master of such Ship shall also incur a further Penalty not exceeding Twenty Pounds.

Survey of Passenger Steamers.

319. If the Owner or Master or other Person in charge of any Passenger Steamer receives on board thereof or on or in any Part thereof, or if such Ship has on board thereof or on or in any thereof, any Number of Passengers which, having regard to the Time, Occasion, and Circumstances of the Case, is greater than the Number of Passengers allowed by the Certificate, the Owner or Master shall incur a Penalty not exceeding Twenty Pounds, and also an additional Penalty not exceeding Five Shillings for every Passenger over and above the Number allowed by the Certificate, or, if the Fare of any of the Passengers on board exceeds Five Shillings, not exceeding double the Amount of the Fares of all the Passengers who are over and above the Number so allowed as aforesaid, such Fares to be estimated at the highest Rate of Fare payable by any Passenger on board.

Penalty for carrying Passengers in Excess of Numbers specified in Certificate.

320. Every Person who knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent Declaration or Certificate with respect to any Passenger Steamer requiring a Certificate under the Fourth Part of this Act, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Declaration or Certificate required by the Fourth Part of this Act, or any Words or Figures in any such Declaration or Certificate, or any Signature thereto, shall be deemed guilty of a Misdemeanor.

Forgery of Declaration or Certificate a Misdemeanor.

321. The said Surveyors shall from Time to Time make such Returns to the Board of Trade as it requires with respect to the Build, Dimensions, Draught, Burden, Rate of Sailing, Room for Fuel, and the Nature and Particulars of Machinery and Equipments of the Ships surveyed by them; and every Owner, Master, and Engineer of any such Ship shall, on Demand, give to such Surveyors all such Information and Assistance within his Power as they require for the Purpose of such Returns; and every such Owner, Master, or Engineer who, on being applied to for that Purpose, wilfully refuses or neglects to give such Information or Assistance, shall be liable to a Penalty not exceeding Five Pounds.

Surveyors to make Returns of the Build and other Particulars of Steam Ships, and Owners and Masters to give Information for that Purpose.

Misconduct by Passengers in Steamers.

Misconduct by Passengers in Steamers.

322. The following Offenders, that is to say,

(1.) Any Person who, after having been refused Admission into any Steamer by the Owner or Person in charge thereof or by any Person in the Employ of the Owner thereof, on account of such Steamer being full, and after having had the full

Penalties on Persons forcing way on board; or

Misconduct by Passengers in Steamers.

full Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same; and

refusing to quit the Ship.

(2.) Any Person, having got on board any Steamer, who, upon being requested on the like Account by the Owner or Person in charge thereof or by any Person in the Employ of the Owner to leave such Steamer before the same has quitted the Place at which such Person got on board, and upon having the full Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request,

Shall for each such Offence incur a Penalty not exceeding Forty Shillings, to be paid to the said Owner.

Penalty for avoiding Payment of Fares.

323. The following Offenders, that is to say,

(1.) Any Person who travels or attempts to travel in any Passenger Steamer which has been duly surveyed in conformity with the Provisions of this Act, without having previously paid his Fare, and with Intent to avoid Payment thereof; and

(2.) Any Person who, having paid his Fare for a certain Distance, knowingly and wilfully proceeds in any such Steamer beyond such Distance, without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof; and

(3.) Any Person who knowingly and wilfully refuses or neglects, on arriving at the Point to which he has paid his Fare, to quit any such Steamer;

Shall for every such Offence incur a Penalty not exceeding Five Shillings, in addition to the Fare payable by him, such Penalty to be payable to the Owner of such Steamer.

Penalty on Persons refusing to give their Name and Address.

324. Every Person who, having committed any of the Offences mentioned in the Two last preceding Sections or either of them, refuses on Application of the Master of the Ship or of any other Person in the Employ of the Owner thereof to give his Name and Address, or who on such Application gives a false Name or Address, shall incur a Penalty not exceeding Twenty Pounds, to be paid to the said Owner.

Power to refuse or remove Passengers who are drunk or misconduct themselves.

325. The Master of any Home Trade Passenger Steam Ship may refuse to receive on board thereof any Person who by reason of Drunkenness or otherwise is in such a State, or misconducts himself in such a Manner, as to cause Annoyance to other Passengers on board, or if such Person is on board, may put him on shore at any convenient Place; and no Person so refused Admittance or put on shore shall be entitled to the Return of any Fare he may have paid.

Accidents.

Accidents.

Accidents to Steam Ships to be reported to Board of Trade.

326. Whenever any Steam Ship has sustained or caused any Accident occasioning Loss of Life or any serious Injury to any Person, or has received any material Damage affecting her Seaworthiness or her Efficiency either in her Hull or in any Part of her Machinery, the Owner or Master shall, within Twenty-four Hours after the happening of such Accident or Damage, or as soon thereafter as possible, send to the Board of Trade, by Letter signed by such Owner or Master, a Report of such Accident or Damage, and of the probable Occasion thereof, stating the Name of the Ship, the Port to which she belongs, and the Place where she is; and if such Owner or Master neglect so to do he shall for such Offence incur a Penalty not exceeding Fifty Pounds.

Notice to be given of apprehended Loss of Steam Ships.

327. If the Owner of any Steam Ship have Reason, owing to the Nonappearance of such Ship, or to any other Circumstance, to apprehend that such Ship has been wholly lost, he shall as soon as conveniently may be send Notice thereof in like Manner to the Board of Trade, and if he neglect so to do within a reasonable Time he shall for such Offence incur a Penalty not exceeding Fifty Pounds.

Collisions to be entered in Official Log.

328. In every Case of Collision, in which it is practicable so to do, the Master shall immediately after the Occurrence cause a Statement thereof, and of the Circumstances under which the same occurred, to be entered in the Official Log Book (if any), such Entry to be signed by the Master, and also by the Mate or One of the Crew, and in default shall incur a Penalty not exceeding Twenty Pounds.

Carrying Dangerous Goods.

Carrying Dangerous Goods.

Provisions to prevent the taking dangerous Goods on board without due Notice.

329. No Person shall be entitled to carry in any Ship, or to require the Master or Owner of any Ship to carry therein, any Aquafortis, Oil of Vitriol, Gunpowder, or any other Goods which, in the Judgment of such Master or Owner, are of a dangerous Nature; and if any Person carries or sends by any Ship any Goods of a dangerous Nature without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Master or Owner at or before the Time of carrying or sending the same to be shipped, he shall for every such Offence incur a Penalty not exceeding One hundred Pounds; and the Master or Owner of any Ship may refuse to take on board any Parcel that he suspects to contain Goods of a dangerous Nature, and may require them to be opened to ascertain the Fact.

PART V.

PILOTAGE.

Application.

Application.

Application of Part V. of Act.

330. The Fifth Part of this Act shall apply to the United Kingdom only.

Powers of Pilotage Authorities (General).

Powers of Pilotage Authorities (General).

General Jurisdiction of Pilotage Authorities.

331. Every Pilotage Authority shall retain all Powers and Jurisdiction which it now lawfully possesses, so far as the same are consistent with the Provisions of this Act; but no Law relating to such Authority, or to the Pilots licensed by it, and no Act done by such Authority, shall, if inconsistent with any Provision of this Act, be of any Force whatever.

Power of Pilotage Authorities to make and extend Exemptions from compulsory Pilotage.

332. Every Pilotage Authority shall have Power, by Byelaw made with the Consent of Her Majesty in Council, to exempt the Masters of any Ships, or of any Classes of Ships, from being compelled to employ qualified Pilots, and to annex any Terms or Conditions to such Exemptions, and to revise and extend any Exemptions now existing by virtue of this Act or any other Act of Parliament, Law, or Charter, or by Usage, upon such Terms and Conditions and in such Manner as may appear desirable to such Authority.

Powers of Pilotage Authorities.

333. Subject to the Provisions contained in the Fifth Part of this Act, it shall be lawful for every Pilotage Authority, by Byelaw made with the Consent of Her Majesty in Council, from Time to Time to do all or any of the following Things within its Districts; (that is to say,)

To determine Qualifications of Pilots:

(1.) To determine the Qualifications to be required from Persons applying to be licensed as Pilots, whether in respect of their Age, Skill, Time of Service, Character, or otherwise:

To make Regulations as to Pilot Boats:

(2.) To make Regulations as to the Approval and licensing of Pilot Boats and Ships, with Power to establish and regulate Companies for the Support of such Boats and Ships, and for a Participation in the Profits made thereby; the Companies so established to be exempt from the Provisions of the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and ten, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*

To make Regulations for the Government of Pilots:

(3.) To make Regulations for the Government of the Pilots licensed by them, and for insuring their good Conduct, and their constant Attendance

Attendance to and effectual Performance of their Duty, either at Sea or on shore:

Powers Pilotage Authorities (General).

(4.) To fix the Terms and Conditions of granting Licences to Pilots and Apprentices, and of granting such Pilotage Certificates as herein-after mentioned to Masters and Mates, and to make Regulations for punishing any Breach of such Regulations as aforesaid committed by such Pilots or Apprentices or by such Masters and Mates by the Withdrawal or Suspension of their Licences or Certificates, as the Case may be, or by the Infliction of Penalties to be recoverable summarily before Two Justices, so that no such Penalty be made to exceed the Sum of Twenty Pounds, and so that every such Penalty be capable of Reduction at the Discretion of the Justices by whom the same is inflicted:

To make Regulations as to Licences and Certificates:

(5.) To fix the Rates and Prices or other Remuneration to be demanded and received for the Time being by Pilots licensed by such Authority, or to alter the Mode of remunerating such Pilots, in such Manner as such Authority may, with such Consent as aforesaid, think fit, so that no higher Rates or Prices be demanded or received from the Masters or Owners of Ships in the Case of the *Trinity House* than the Rates and Prices specified in the Table marked U. in the Schedule hereto; and in the Case of all other Pilotage Authorities, than the Rates and Prices which might have been lawfully fixed or demanded by such Pilotage Authorities respectively under any Act of Parliament, Charter, or Custom in force immediately before the Commencement of this Act:

To alter and reduce Rates of Pilotage.

(6.) To make such Arrangements with any other Pilotage Authority for altering the Limits of their respective Districts, and for extending the Powers of such other Authority or the Privileges of the Pilots licensed by such other Authority or any of them to all or any Part of its own District, or for limiting its own Powers or the Privileges of its own Pilots or any of them, or for sharing the said last-mentioned Powers and Privileges with the said other Authority and the Pilots licensed by it, or for delegating or surrendering such Powers and Privileges or any of them to any other Pilotage Authority either already constituted or to be constituted by Agreement between such Authorities, and to the Pilots licensed by it, as may appear to such Pilotage Authorities to be desirable for the Purpose of facilitating Navigation or of reducing Charges on Shipping:

To arrange the Limits of Pilotage Districts:

(7.) To establish, either alone or in conjunction with any other Pilotage Authority or Authorities, Funds for the Relief of superannuated or infirm qualified Pilots, or of their Wives, Widows, or Children, or to make any new Regulations with respect to any

To establish Funds for superannuated Pilots:

Powers of Pilotage Authorities (General).

Funds already applicable to the above Purposes or any of them, with Power to determine the Amount, Manner, Time, and Persons (such Persons to be in the Service of such Pilotage Authority) to and in which and by and upon whom the Contributions in support of such existing or future Funds may be made or levied; and further, to declare the Persons or Class of Persons, (such Persons or Class of Persons being confined to Men in the Service of such Pilotage Authority, their Wives, Widows, or Children,) entitled to participate in the Benefits of such existing or future Funds, and the Terms and Conditions upon which they are to be so entitled:

To alter Byelaws.

(8.) To repeal or alter any Byelaw made in exercise of the above Powers, and to make a new Byelaw or new Byelaws in lieu thereof: And every Byelaw duly made by any Pilotage Authority in exercise of the Powers hereby given to it, shall be valid and effectual, notwithstanding any Act of Parliament, Rule, Law, or Custom to the contrary.

Publication of Byelaws

334. Every Byelaw proposed to be enacted by any Pilotage Authority in pursuance of the foregoing Powers shall, before it is submitted to Her Majesty in Council for Her Assent, be published in such Manner as may from Time to Time be prescribed by the Board of Trade.

Byelaws to be laid before Parliament.

335. Every Order in Council made in pursuance of the Provisions herein-before contained shall be laid before both Houses of Parliament as soon as possible after the making thereof.

Power of Appeal to Board of Trade.

336. If the greater Part in Number of the qualified Pilots belonging to any Port, or the Local Marine Board, where there is one, or at any Port where there is no Local Marine Board, if any Masters, Owners, or Insurers of Ships, being not less than Six in Number, consider themselves aggrieved by any Regulation or Byelaw in force when this Act comes into operation or hereafter made under some Authority other than the Provisions of this Act, or by any Defect or Omission therein, they may appeal to the Board of Trade, and the said Board may thereupon revoke or alter any such Regulation or Byelaw or may make Additions thereto in such Manner as, having regard to the Interests of the Persons concerned, may appear to be just and expedient; and every Order so made shall be conclusive in the Matter.

Returns by Pilotage Authorities (General).

Returns by Pilotage Authorities (General)

Pilotage Authorities to make full Returns to

337. Every Pilotage Authority shall deliver periodically to the Board of Trade, in such Form and at such Times as such Board requires, Returns of the following Particulars with regard to Pilotage within the Port or District under the Jurisdiction of such Authority; that is to say,)

(1.) All

Returns by Pilotage Authorities (General).

the Board of Trade of certain Particulars connected with Pilotage.

(1.) All Byelaws, Regulations, Orders, or Ordinances relating to Pilots or Pilotage for the Time being in force:

(2.) The Names and Ages of all Pilots or Apprentices licensed or authorized to act by such Authority, and of all Pilots or Apprentices acting either mediately or immediately under such Authority, whether so licensed or authorized or not:

(3.) The Service for which each Pilot or Apprentice is licensed:

(4.) The Rates of Pilotage for the Time being in force, including therein the Rates and Descriptions of all Charges upon Shipping made for or in respect of Pilots or Pilotage:

(5.) The total Amount received for Pilotage, distinguishing the several Amounts received from *British* Ships and from Foreign Ships respectively, and the several Amounts received in respect of different Classes of Ships paying different Rates of Pilotage, according to the Scale of such Rates for the Time being in force, and the several Amounts received for the several Classes of Service rendered by Pilots; and also the Amount paid by such Ships (if any) as have before reaching the outer Limits of Pilotage Water if outward-bound, or their Port of Destination if inward-bound, to take or pay for Two or more Pilots, whether licensed by the same or by different Pilotage Authorities; together with the Numbers of the Ships of each of the several Classes paying such several Amounts as aforesaid:

(6.) The Receipt and Expenditure of all Monies received by or on behalf of such Authority, or by or on behalf of any Sub-Commissioners appointed by them, in respect of Pilots or Pilotage:

And shall allow the Board of Trade, or any Persons appointed by such Board for the Purpose, to inspect any Books or Documents in its Possession relating to the several Matters herein-before required to be returned to the Board of Trade.

If local Authorities fail to give the required Returns, their Jurisdiction may be transferred to the Trinity House.

338. If any of such Pilotage Authorities as aforesaid (other than the *Trinity House*, or Sub-Commissioners of Pilotage appointed by it, as herein-after mentioned,) fail to deliver to the Board of Trade the periodical Returns herein-before required within One Year of such Time as may be fixed by such Board for the Purpose, or if any of such Authorities do not allow the said Board, or any Persons who may be appointed by it for the Purpose, to inspect any Books or Documents in their Possession relating to the Matters herein-before required to be returned by them, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to direct that all the Rights and Powers of such Authorities in respect of Pilotage shall cease or be suspended during such Time as Her Majesty directs; and thereupon the *Trinity House* shall thereafter or during such Time as such Suspension may continue, have and exercise the same Powers of appointing

Returns by Pilotage Authorities (General).

appointing Sub-Commissioners of Pilotage, and of licensing Pilots, and of establishing and altering Rates of Pilotage, within the District within which the Authority so making default has previously appointed or licensed Pilots, as it is by this Act authorized to exercise in any District for which no particular Provision is made by any Act of Parliament or Charter for the Appointment of Pilots, and shall also during such Time as aforesaid have and exercise the same Rights, Title, and Powers to and in respect of any Pilotage Funds or other Pilotage Property which the said Pilotage Authorities would or might have had or exercised if not so suspended as aforesaid.

Returns to be laid before Parliament.

339. The Board of Trade shall without Delay cause the several Returns herein-before required to be made to such Board to be laid before both Houses of Parliament.

Licensing of Masters and Mates (General).

Licensing of Masters and Mates (General).

Master or Mate, if examined and passed, to receive a Pilotage Certificate, enabling him to pilot particular Ships.

340. The Master or Mate of any Ship may, upon giving due Notice, and consenting to pay the usual Expenses, apply to any Pilotage Authority to be examined as to his Capacity to pilot the Ship of which he is Master or Mate, or any One or more Ships belonging to the same Owner, within any Part of the District over which such Pilotage Authority has Jurisdiction; and such Master or Mate shall if such Authority thinks fit, thereupon be examined; and if found competent a Pilotage Certificate shall be granted to him, containing his Name, a Specification of the Ship or Ships in respect of which he has been examined, and a Description of the Limits within which he is to pilot the same, such Limits to be within such Jurisdiction as aforesaid; and such Certificate shall enable the Person therein named to pilot the Ship or any of the Ships therein specified, of which he is acting as Master or Mate at the Time, but no other, within the Limits therein described, without incurring any Penalties for the Non-employment of a qualified Pilot.

Renewal of Pilotage Certificate.

341. The Pilotage Certificate so granted shall not be in force for more than One Year, unless the same is renewed, which may from Time to Time be done by an Indorsement under the Hand of the Secretary or other proper Officer of the Authority by whom such Certificate was granted.

Board of Trade to examine and grant Pilotage Certificates to Mates, on Pilotage Authorities refusing to do so.

342. If upon Complaint to the Board of Trade it appear to such Board that any such Authority as aforesaid has without reasonable Cause refused or neglected to examine any Master or Mate who has applied to them for the Purpose, or after he has passed the Examination has without reasonable Cause refused or neglected to grant him a Pilotage Certificate, or that the Examination of any such Master or Mate has been unfairly or improperly conducted, or that any Terms imposed or sought

Licensing of Masters and Mates (General).

sought to be imposed by such Authority are unfair or improper, or that any Pilotage Certificate granted by such Authority has been improperly withdrawn, the Board of Trade may, if in its Judgment the Circumstances appear to require it, appoint Persons to examine such Master or Mate, and if he is found competent may grant him a Pilotage Certificate, containing the same Particulars as would have been inserted in any Certificate granted by such Pilotage Authorities as aforesaid, upon such Terms and Conditions, and subject to such Regulations, as such Board may think fit; and such Certificate shall have the same Effect as if it had been granted by such Pilotage Authority as aforesaid; and such Certificate shall be in force for One Year, and may be renewed from Year to Year, either by the said Authorities in manner herein-before mentioned, or by the Board of Trade, if such Board thinks fit, such Renewal to be indorsed on the said Certificate, either by such Person as the Board of Trade may appoint for the Purpose, or in manner herein-before provided as to Certificates granted by any Pilotage Authority.

Fees to be paid upon such Certificates and the Renewals thereof.

343. All Masters or Mates to or for whom any such Pilotage Certificates as aforesaid are granted or renewed by any Pilotage Authority shall pay to such Authority, or as it directs, such Fees upon their respective Certificates and upon the Renewals thereof, as are from Time to Time fixed for that Purpose by such Authority, with the Consent of the Board of Trade; and all Masters and Mates to or for whom any such Certificates are granted or renewed by the Board of Trade shall pay to such Board, or as it directs, such Fees upon their Certificates and upon the Renewals thereof as may be fixed by such Board, so nevertheless that in the Case of Pilotage Certificates granted or renewed by the Board of Trade such Fees shall in no Case be less than the Fees payable by the qualified Pilots in the same District upon their Licences and the Renewal thereof; and such Fees shall in the Case of Certificates and Renewals granted by Pilotage Authorities be applicable either to paying the Expense of the Examinations, or any other general Expenses connected with Pilotage incurred by such Authorities, or to the Pilots Superannuation Fund of the District (if any), or otherwise for the Benefit of the Pilots appointed by such Authorities, as such Authorities think fit; and such Fees shall in the Case of Pilotage Certificates granted or renewed by the Board of Trade be applicable to the Expense of the Examinations, and the Surplus (if any) shall be applied for the Benefit of the qualified Pilots of the Port or District to which such Certificates apply, in such Manner as such Board thinks fit.

Power to withdraw Pilotage Certificates.

344. If at any Time it appears to the Board of Trade or to any Pilotage Authority that any Master or Mate to whom a Pilotage Certificate has been granted by such Board or Authority has been guilty of Misconduct, or has shown himself incompetent to pilot his Ship, such Board or such Authority (as the Case may be) may thereupon withdraw

draw his Certificate, and such Certificate shall thenceforth cease to be of any Effect whatever.

Pilot Boats (General).

Pilot Boats how to be provided.

345. All Boats and Ships regularly employed in the Pilotage Service of any District shall be approved and licensed by the Pilotage Authority of such District, who may, at their Discretion, appoint and remove the Masters of such Boats and Ships

Characteristics of Pilot Boats.

346. Every Pilot Boat or Ship shall be distinguished by the following Characteristics; (that is to say,)

(1.) A Black Colour painted or tarred outside, with the Exception of such Names and Numbers as are herein-after mentioned; or such other distinguishing Colour or Colours as the Pilotage Authority of the District, with the Consent of the Board of Trade, directs:

(2.) On her Stern the Name of the Owner thereof and the Port to which she belongs painted in White Letters at least One Inch broad and Three Inches long, and on each Bow the Number of the Licence of such Boat or Ship:

(3.) When afloat, a Flag at the Mast-head or on a Sprit or Staff, or in some other equally conspicuous Situation; such Flag to be of large Dimensions compared with the Size of the Boat or Ship carrying the same, and to be of Two Colours, the upper horizontal Half White, and the lower horizontal Half Red:

And it shall be the Duty of the Master of such Boat or Ship to attend to the following Particulars: First, that the Boat or Ship possesses all the above Characteristics; secondly, that the aforesaid Flag is kept clean and distinct, so as to be easily discerned at a proper Distance; and, lastly, that the Names and Numbers before mentioned are not at any Time concealed; and if default is made in any of the above Particulars he shall incur a Penalty not exceeding Twenty Pounds for each Default.

Qualified Pilot to display Flag though not in Pilot Boat.

347. Whenever any qualified Pilot is carried off in a Boat or Ship not in the Pilotage Service he shall exhibit a Flag of the above Description, in order to show that such Boat or Ship has a qualified Pilot on board; and if he fails to do so, without reasonable Cause, he shall incur a Penalty not exceeding Fifty Pounds.

Penalty on ordinary Boat displaying Pilot Flag.

348. If any Boat or Ship, not having a licensed Pilot on board, displays a Flag of the above-mentioned Description, there shall be incurred for every such Offence a Penalty not exceeding Fifty Pounds, to be recovered from the Owner or from the Master of such Boat or Ship.

Pilot Licences (General).

Registry of Pilot Licence

349. Every qualified Pilot on his Appointment shall receive a Licence, containing his Name and usual Place of Abode, together with a Description of his Person, and a Specification of the Limits within which he is qualified to act: And it shall be the Duty of the principal Officer

Officer of Customs at the Place at or nearest to which any qualified Pilot may reside, upon his Request, to register his Licence; and no qualified Pilot shall be entitled to act as such until his Licence is so registered; and any qualified Pilot acting beyond the Limits for which he is qualified by his Licence shall be considered as an unqualified Pilot.

Pilot Licences (General).

350. Every qualified Pilot shall, upon receiving his Licence, be furnished with a Copy of such Part of this Act as relates to Pilotage, together with a Copy of the Rates, Byelaws, and Regulations established within the District for which he is licensed; and he shall produce such Copies to the Master of any Ship, or other Person employing him, when required to do so, under a Penalty in case of Default not exceeding Five Pounds.

Copies of Regulations to be furnished to qualified Pilot, and to be produced by him.

351. Every qualified Pilot, while acting in that Capacity, shall be provided with his Licence, and produce the same to every Person by whom he is employed, or to whom he tenders his Services as Pilot; and if he refuses to do so at the Request of such Person, he shall incur for each Offence a Penalty not exceeding Ten Pounds, and shall be subject to Suspension or Dismissal by the Pilotage Authority by whom he is licensed.

Qualified Pilot to produce Licence to Employer.

352. Every qualified Pilot, when required by the Pilotage Authority who appointed him, shall produce or deliver up his Licence; and on the Death of any qualified Pilot the Person into whose Hands his Licence happens to fall shall without Delay transmit the same to the Pilotage Authority who appointed the deceased Pilot; and any Pilot or Person failing to comply with the Provisions of this Section shall incur a Penalty not exceeding Ten Pounds.

Licences to be delivered up, when required, and returned on Death.

Compulsory Pilotage (General).

Compulsory Pilotage (General).

353. Subject to any Alteration to be made by any Pilotage Authority in pursuance of the Power herein-before in that Behalf given, the Employment of Pilots shall continue to be compulsory in all Districts in which the same was by Law compulsory immediately before the Time when this Act comes into operation; and all Exemptions from compulsory Pilotage then existing within such Districts shall also continue in force; and every Master of any unexempted Ship navigating within any such District who, after a qualified Pilot has offered to take charge of such Ship or has made a Signal for that Purpose, either himself pilots such Ship without possessing a Pilotage Certificate enabling him so to do, or employs or continues to employ an unqualified Person to pilot her, and every Master of any exempted Ship navigating within any such District who after a qualified Pilot has offered to take charge of such Ship or has made a Signal for that Purpose employs or continues to employ an unqualified Pilot to pilot her, shall for every such Offence incur a Penalty of double the Amount of Pilotage demandable for the Conduct of such Ship.

Compulsory Pilotage, in what Mode to be enforced.

354. The

Compulsory Pilotage (General)

Home Trade Passenger Ships to employ qualified Pilots, unless they have certificated Masters or Mates.

354. The Master of every Ship carrying Passengers between any Place situate in the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and any other Place so situate, when navigating upon any Waters situate within the Limits of any District for which Pilots are licensed by any Pilotage Authority under the Provisions of this or of any other Act, or upon any Part thereof so situate, shall, unless he or his Mate has a Pilotage Certificate enabling such Master or Mate to pilot the said Ship within such District, granted under the Provisions herein-before contained, or such Certificate as next herein-after mentioned, being a Certificate applicable to such District and to such Ship, employ a qualified Pilot to pilot his Ship; and if he fails so to do he shall for every Offence incur a Penalty not exceeding One hundred Pounds.

Certificates, how to be granted to such Masters and Mates.

355. Any Master or Mate of a Ship which by the last preceding Section is made subject to compulsory Pilotage may apply to the Board of Trade for a Certificate, and the Board of Trade shall thereupon, on satisfactory Proof of his having continuously piloted any Ship within the Limits of any Pilotage District or of any Part or Parts thereof for Two Years prior to the Commencement of this Act, or upon satisfactory Proof by Examination of his Competency, or otherwise as it may deem expedient, cause to be granted to him, or to be indorsed on any Certificate of Competency or Service obtained by him under the Third Part of this Act, a Certificate to the Effect that he is authorized to pilot any Ship or Ships belonging to the same Owner, and of a Draft of Water not greater than such Draft as may be specified in the Certificate within the Limits aforesaid; and the said Certificate shall remain in force for such Time as the Board of Trade directs, and shall enable the Master or Mate therein named to conduct the Ship or Ships therein specified within the Limits therein described to the same Extent as if the last preceding Section had not been passed, but not further or otherwise; and every such Master or Mate shall, upon applying for such Certificate or for any Renewal thereof, pay to the Board of Trade or as it directs such Fees not exceeding the Fees payable on an Examination for a Master's Certificate of Competency under the Third Part of this Act as the Board of Trade directs; and such Fees shall be applied in the same Manner in which the Fees payable on such last-mentioned Examination are made applicable.

Rights, Privileges, and Remuneration of Pilots (General).

Qualified Pilot unable to board when entitled to Pilotage.

356. If any Boat or Ship, having a qualified Pilot on board, leads any Ship which has not a qualified Pilot on board when such last-mentioned Ship cannot from particular Circumstances be boarded, the Pilot so leading such last-mentioned Ship shall be entitled to the full Pilotage for the Distance run as if he had actually been on board and had charge of such Ship.

357. No

Rights, Privileges, and Remuneration of Pilots General).

Allowance to qualified Pilot taken out of his District.

357. No Pilot, except under Circumstances of unavoidable Necessity, shall without his Consent be taken to Sea or beyond the Limits for which he is licensed in any Ship whatever; and every Pilot so taken under Circumstances of unavoidable Necessity or without his Consent shall be entitled, over and above his Pilotage, to the Sum of Ten Shillings and Sixpence a Day, to be computed from and inclusive of the Day on which such Ship passes the Limit to which he was engaged to pilot her up to and inclusive of the Day of his being returned in the said Ship to the Place where he was taken on board, or up to and inclusive of such Day as will allow him, if discharged from the Ship, sufficient Time to return thereto; and in such last-mentioned Case he shall be entitled to his reasonable travelling Expenses.

Penalty on qualified Pilot receiving or Master offering improper Rate.

358. Any qualified Pilot demanding or receiving, and also any Master offering or paying to any Pilot, any other Rate in respect of Pilotage Services, whether greater or less, than the Rate for the Time being demandable by Law, shall for each Offence incur a Penalty not exceeding Ten Pounds.

Penalty on making a false Declaration as to Draught of Ship or falsifying Marks.

359. If any Master, on being requested by any qualified Pilot having the Charge of his Ship to declare her Draught of Water, refuses to do so, or himself makes or is privy to any other Person making a false Declaration to such Pilot as to such Draught, he shall incur a Penalty for every such Offence not exceeding double the Amount of Pilotage which would have been payable to the Pilot making such Request; and if any Master or other Person interested in a Ship makes or is privy to any other Person making any fraudulent Alteration in the Marks on the Stern or Stem Post of such Ship denoting her Draught of Water, the Offender shall incur a Penalty not exceeding Five hundred Pounds.

Power of qualified Pilot to supersede unqualified Pilot.

360. A qualified Pilot may supersede an unqualified Pilot, but it shall be lawful for the Master to pay to such unqualified Pilot a proportionate Sum for his Services, and to deduct the same from the Charge of the qualified Pilot; and in case of Dispute the Pilotage Authority by whom the qualified Pilot is licensed shall determine the proportionate Sums to which each Party is entitled.

Penalty on unqualified Person acting as Pilot.

361. An unqualified Pilot assuming or continuing in the Charge of any Ship after a qualified Pilot has offered to take charge of her, or using a Licence which he is not entitled to use for the Purpose of making himself appear to be a qualified Pilot, shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Occasions on which unlicensed Persons may act as Pilots.

362. An unqualified Pilot may, within any Pilotage District, without subjecting himself or his Employer to any Penalty, take charge of a Ship as Pilot under the following Circumstances; that is to say,

When no qualified Pilot has offered to take charge of such Ship, or made a Signal for that Purpose; or

Rights, Privileges, and Remuneration of Pilots (General).

When a Ship is in Distress or under Circumstances making it necessary for the Master to avail himself of the best Assistance which can be found at the Time; or

For the Purpose of changing the Moorings of any Ship in Port, or of taking her into or out of any Dock, in Cases where such Act can be done by an unqualified Pilot without infringing the Regulations of the Port or any Orders which the Harbour Master is legally empowered to give.

Liability for and Recovery of Pilotage Dues.

363. The following Persons shall be liable to pay Pilotage Dues for any Ship for which the Services of a qualified Pilot are obtained; (that is to say), the Owner or Master, or such Consignees or Agents thereof as have paid or made themselves liable to pay any other Charge on account of such Ship in the Port of her Arrival or Discharge, as to Pilotage Inwards, and in the Port from which she clears out as to Pilotage Outwards; and in default of Payment such Pilotage Dues may be recovered in the same Manner as Penalties of the like Amount may be recovered by virtue of this Act; but such Recovery shall not take place until a previous Demand thereof has been made in Writing, and the Dues so demanded have remained unpaid for Seven Days after the Time of such Demand being made.

Power for Consignees to retain Pilotage Dues paid by them

364. Every Consignee and Agent (not being the Owner or Master) hereby made liable for the Payment of Pilotage Dues in respect of any Ship may, out of any Monies in his Hands received on account of such Ship or belonging to the Owner thereof, retain the Amount of all Dues so paid by him together with any reasonable Expenses he may have incurred by reason of such Payment or Liability.

Offences of Pilots (General)

Offences of Pilots (General).

Penalties on qualified Pilot: exercising certain Trades;

365. If any qualified Pilot commits any of the following Offences, (that is to say,)

(1.) Keeps himself, or is interested in keeping by any Agent, Servant, or other Person, any Public House or Place of public Entertainment, or sells or is interested in selling any Wine, Spirituous Liquors, Tobacco, or Tea;

offending against Revenue;

(2.) Commits any Fraud or other Offence against the Revenues of Customs or Excise or the Laws relating thereto;

guilty of corrupt Practices;

(3.) Is in any way directly or indirectly concerned in any corrupt Practices relating to Ships, their Tackle, Furniture, Cargoes, Crews, or Passengers, or to Persons in Distress at Sea or by Shipwreck, or to their Monies, Goods, or Chattels;

lending Licence;

(4.) Lends his Licence;

acting when suspended;

(5.) Acts as Pilot whilst suspended;

acting when drunk;

(6.) Acts as Pilot when in a State of Intoxication;

(7.) Employs

Offences of Pilots (General).

(7.) Employs or causes to be employed on board any Ship of which he has the Charge any Boat, Anchor, Cable, or other Store, Matter, or Thing beyond what is necessary for the Service of such Ship, with the Intent to enhance the Expenses of Pilotage for his own Gain or for the Gain of any other Person; — unnecessarily causing Expense;

(8.) Refuses or wilfully delays, when not prevented by Illness or other reasonable Cause, to take charge of any Ship within the Limits of his Licence upon the Signal for a Pilot being made by such Ship, or upon being required to do so by the Master, Owner, Agent, or Consignee thereof, or by any Officer of the Pilotage Authority by whom such Pilot is licensed, or by any principal Officer of Customs; — declining to go off;

(9.) Unnecessarily cuts or slips or causes to be cut or slipped any Cable belonging to any Ship; — unnecessarily cutting or slipping Cable;

(10.) Refuses, on the Request of the Master, to conduct the Ship of which he has the Charge into any Port or Place into which he is qualified to conduct the same, except on reasonable Ground of Danger to the Ship; — refusing to conduct Ship into Port;

(11.) Quits the Ship of which he has the Charge, without the Consent of the Master, before the Service for which he was hired has been performed; — quitting Ship.

He shall for each such Offence, in addition to any Liability for Damages at the Suit of the Person aggrieved, incur a Penalty not exceeding One hundred Pounds, and be liable to Suspension or Dismissal by the Pilotage Authority by whom he is licensed; and every Person who procures, abets, or connives at the Commission of any such Offence shall likewise, in addition to any such Liability for Damages as aforesaid, incur a Penalty not exceeding One hundred Pounds, and, if a qualified Pilot, shall be liable to Suspension or Dismissal by the Pilotage Authority by whom he is licensed.

Penalty on Pilot endangering Ship, Life, or Limb.

366. If any Pilot, when in charge of any Ship, by wilful Breach of Duty or by Neglect of Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such Ship, or tending immediately to endanger the Life or Limb of any Person on board such Ship; or if any Pilot, by wilful Breach of Duty or by Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such Ship from Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such Ship from Danger to Life or Limb; the Pilot so offending shall for each such Offence be deemed guilty of a Misdemeanor, and, if a qualified Pilot, also be liable to Suspension and Dismissal by the Authority by which he is licensed.

Offences of Pilots (General).

Penalty on Pilot in charge of a Ship doing her wilful Injury.

367. If any Person, by wilful Misrepresentation of Circumstances upon which the Safety of a Ship may depend, obtains or endeavours to obtain the Charge of such Ship, such Person, and every other Person procuring, abetting, or conniving at the Commission of such Offence, shall, in addition to any Liability for Damages at the Suit of the Party aggrieved, incur a Penalty not exceeding One hundred Pounds, and, if the Offender is a qualified Pilot, he shall also be liable to Suspension or Dismissal by the Pilotage Authority by which he is licensed.

General Power of Trinity House.

Power of Trinity House to alter Regulations.

General Power of Trinity House.

368. The *Trinity House* may, in exercise of the general Power herein-before given to all Pilotage Authorities of doing certain Things in relation to Pilotage Matters, alter such of the Provisions hereinafter contained as are expressed to be subject to Alteration by them in the same Manner and to the same Extent as they might have altered the same if such Provisions had been contained in any previous Act of Parliament instead of in this Act.

Sub-Commissioners and Pilots (Trinity House).

Power of Trinity House to appoint Sub-Commissioners.

Sub-Commissioners and Pilots (Trinity House).

369. The *Trinity House* shall continue to appoint Sub-Commissioners, not being more than Five nor less than Three in Number, for the Purpose of examining Pilots in all Districts in which they have been used to make such Appointments, and may, with the Consent of Her Majesty in Council, but not otherwise, appoint like Sub-Commissioners for any other District in which no particular Provision is made by any Act of Parliament or Charter for the Appointment of Pilots; but no Pilotage District already under the Authority of any Sub-Commissioners appointed by the *Trinity House* shall be extended, except with such Consent as aforesaid, and no Sub-Commissioners so appointed shall be deemed to be Pilotage Authorities within the Meaning of this Act.

Trinity House to license Pilots to act within certain Limits.

370. The *Trinity House* shall continue, after due Examination by themselves or their Sub-Commissioners, to appoint and license under their Common Seal Pilots for the Purpose of conducting Ships within the Limits following or any Portion of such Limits; (that is to say,)

(1.) "The *London* District," comprising the Waters of the *Thames* and *Medway* as high as *London Bridge* and *Rochester Bridge* respectively, and also the Seas and Channels leading thereto or therefrom as far as *Ordfordness* to the North and *Dungeness* to the South; so nevertheless, that no Pilot shall be hereafter licensed to conduct Ships both above and below *Gravesend*:

(2.) "The

(2.) "The *English Channel* District," comprising the Seas between *Dungeness* and the *Isle of Wight*:

(3.) "The *Trinity House* Outport Districts," comprising any Pilotage District for the Appointment of Pilots within which no particular Provision is made by any Act of Parliament or Charter.

Sub-Commissioners and Pilots (Trinity House).

371. Subject to any Alteration to be made by the *Trinity House*, the Names of all Pilots licensed by the *Trinity House* shall be published in manner following; (that is to say,)

(1.) The *Trinity House* shall at their House in *London* fix up a Notice specifying the Name and usual Place of Abode of every Pilot so licensed, and the Limits within which he is licensed to act:

(2.) The *Trinity House* shall transmit a Copy of such Notice to the Commissioners of Customs in *London*, and to the principal Officers of Customs resident at all Ports within the Limits for which such Pilot is licensed; and such Notice shall be posted up by the Commissioners at the Custom House in *London*, and by such Officers at the Custom Houses of the Ports at which they are respectively resident.

Publication of Notice of Licences of Pilots by the Trinity House of Pilots.

372. Subject to any Alteration to be made by the *Trinity House*, every *Trinity House* Pilot on his Appointment shall execute a Bond for One hundred Pounds conditioned for the due Observance on his Part of the Regulations and Byelaws of the *Trinity House*, such Bond to be free from Stamp Duty, and from any other Charge except the actual Expense for preparing the same.

Bonds to be given.

373. No qualified Pilot who has executed such Bond as is hereinbefore mentioned shall be liable for Neglect or Want of Skill beyond its Penalty and the Amount of Pilotage payable to him in respect of the Voyage on which he is engaged.

Liability limited.

374. Subject to any Alteration to be made by the *Trinity House*, no Licence granted by them shall continue in force beyond the Thirty-first Day of *January* next ensuing the Date of such Licence, but the same may, upon the Application of the Pilot holding such Licence, be renewed on such Thirty-first Day of *January* in every Year, or any subsequent Day, by Indorsement under the Hand of the Secretary of the *Trinity House*, or such other Person as may be appointed by them for that Purpose.

Continuance and Renewal of Licences.

375. The *Trinity House* shall have Power to revoke or suspend the Licence of any Pilot appointed by them, in such Manner and at such Time as they think fit.

Power to revoke and suspend Licences.

Compulsory Pilotage (Trinity House).

Compulsory Pilotage (Trinity House)

Penalty on Masters of Ships employing unlicensed Pilots, or acting as Pilot.

376. Subject to any Alteration to be made by the *Trinity House*, and to the Exemptions herein-after contained, the Pilotage Districts of the *Trinity House* within which the Employment of Pilots is compulsory are the *London* District, and the *Trinity House* Outport Districts, as herein-before defined; and the Master of every Ship navigating within any Part of such District or Districts, who, after a qualified Pilot has offered to take charge of such Ship, or has made a Signal for that Purpose, either himself pilots such Ship without possessing a Certificate enabling him so to do, or employs or continues to employ an unqualified Person to pilot her, shall for every such Offence, in addition to the Penalty herein-before specified, if the *Trinity House* certify in Writing under their Common Seal that the Prosecutor is to be at liberty to proceed for the Recovery of such additional Penalty, incur an additional Penalty not exceeding Five Pounds for every Fifty Tons Burden of such Ship.

Trinity House to make Regulations for a constant Supply of qualified Pilots at Dungeness.

377. Subject to any Alteration to be made by the *Trinity House*, a sufficient Number of qualified Pilots shall always be ready to take charge of Ships coming from the Westward past *Dungeness*; and the *Trinity House* shall, by Byelaw to be made in the same Manner as other Byelaws made under the Powers herein contained, make such Regulations with respect to the Pilots under their Control as may be necessary in order to provide for an unintermitted Supply of qualified Pilots for such Ships, and to insure their constant Attendance upon and due Performance of their Duty both by Night and Day, whether by cruizing between the *South Foreland* and *Dungeness*, or by going off from Shore upon Signals made for the Purpose, or by both of such Means, or by any other Means, and whether in rotation or otherwise, as the *Trinity House* think fit.

Ship coming past Dungeness not having Pilot on board to take the first qualified Pilot who offers.

378. Subject to any Alteration to be made by the *Trinity House*, every Master of any Ship coming from the Westward, and bound to any Place in the Rivers *Thames* and *Medway*, (unless she has a qualified Pilot on board or is exempted from compulsory Pilotage,) shall, on the Arrival of such Ship off *Dungeness*, and thenceforth until she has passed the South Buoy of the *Brake*, or a Line to be drawn from *Sandown Castle* to the said Buoy, or until a qualified Pilot has come on board, display and keep flying the usual Signal for a Pilot; and if any qualified Pilot is within Hail, or is approaching and within Half a Mile, and has the proper distinguishing Flag flying in his Boat, such Master shall, by heaving-to in proper Time

Time or shortening Sail, or by any practicable Means consistent with the Safety of his Ship, facilitate such Pilot getting on board, and shall give the Charge of piloting his Ship to such Pilot; or if there are Two or more of such Pilots offering at the same Time, to such One of them as may, according to the Regulations for the Time being in force, be entitled or required to take such Charge; and if any such Master fails to display or keep flying the usual Signal for a Pilot in manner herein-before required, or to facilitate any such qualified Pilot as aforesaid getting on board as herein-before required, or to give the Charge of piloting his Ship to such Pilot as herein-before mentioned in that Behalf, he shall incur a Penalty not exceeding double the Sum which might have been demanded for the Pilotage of his Ship, such Penalty to be paid to the *Trinity House*, and to be carried to the Account of the *Trinity House* Pilot Fund.

Compulsory Pilotage. (Trinity House.)

Penalty on Masters failing to display usual Signal for Pilot.

379. The following Ships, when not carrying Passengers, shall be exempted from compulsory Pilotage in the *London* District, and in the *Trinity House* Outport Districts; (that is to say,)

Exemptions from compulsory Pilotage.

(1.) Ships employed in the Coasting Trade of the United Kingdom:

(2.) Ships of not more than Sixty Tons Burden:

(3.) Ships trading to *Boulogne* or to any Place in *Europe* North of *Boulogne:*

(4.) Ships from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, which are wholly laden with Stone being the Produce of those Islands:

(5.) Ships navigating within the Limits of the Port to which they belong:

(6.) Ships passing through the Limits of any Pilotage District on their Voyages between Two Places both situate out of such Limits, and not being bound to any Place within such Limits nor anchoring therein.

Rates of Pilotage (Trinity House).

380. Subject to any Alteration to be made by the *Trinity House*, there shall continue to be paid to all *Trinity House* Pilots, in respect of their Pilotage Services, such Dues as are immediately before the Time when this Act comes into operation payable to them in respect of such Services.

Rates of Pilotage. (Trinity House.)

Rates of Pilotage.

381. Subject to any Alteration to be made by the *Trinity House*, and notwithstanding anything herein-before contained, there shall be paid in respect of all Foreign Ships trading to and from the Port of *London*, and not exempted from Pilotage, the following Pilotage Dues; that is to say, as to Ships Inwards, the full Amount of Dues for the Distance piloted, and as to Ships Outwards, the full Amount of Dues for the Distance required by Law; and Payment of such Pilotage Dues shall be made to the Collector of Customs in the Port of

Payment of Pilotage Due from Foreign Ships trading to and from the Port of London.

Rates of Pilotage (Trinity House)

of *London* by some One or more of the following Persons, that is to say, the Master or other Person having the Charge of such Ship, or the Consignees or Agents thereof who have paid or made themselves liable to pay any other Charge for such Ship in the said Port of *London*; and such Pilotage may be recovered in the same Manner as other Pilotage Dues are herein-before declared to be recoverable.

Certificate of Payment of Pilotage to be given.

382. Subject to any Alteration to be made by the *Trinity House*, the said Collector of Customs shall, on receiving any Pilotage Dues in respect of Foreign Ships, give to the Person paying the same a Receipt in Writing; and no Officer of Customs in the Port of *London* shall grant a Clearance or Transire for any such Foreign Ship as aforesaid without the Production of such Receipt; and if any such Ship attempts to go to Sea without such Clearance or Transire, any such Officer may detain her until the said Receipt is produced.

Application of such Monies by Trinity House.

383. Subject to any Alteration to be made by the *Trinity House*, the said Collector shall pay over to the *Trinity House* the Pilotage Dues received by him in respect of any Foreign Ship; and the *Trinity House* shall apply the same in manner following:

In the first place, in paying to any Pilot who may bring sufficient Proof of his having had the Charge of such Ship such Dues as would have been payable to him for such Pilotage Service if the Ship had been a *British* Ship, after deducting therefrom the Poundage due to the *Trinity House*:

In the second place, in paying to any unlicensed Person who may bring sufficient Proof of his having, in the Absence of a licensed Pilot, had the Charge of such Ship, such Amount as the *Trinity House* may think proper, not exceeding the Amount which would under similar Circumstances have been payable to a licensed Pilot, after deducting Poundage:

And, lastly, shall pay over to the *Trinity House* Pilots Fund the Residue, together with all Poundage deducted as aforesaid.

Settlement of Difference as to Draught of Ship.

384. Whenever any Difference arises between the Master and the qualified Pilot of any Ship trading to or from the Port of *London* as to her Draught of Water, the *Trinity House* shall upon Application by either Party, made, in case of a Ship Inward-bound, within Twelve Hours after her Arrival or at some Time before she begins to discharge her Cargo, and in the Case of a Ship Outward-bound before she quits her Moorings, appoint some proper Officer who shall measure the Ship, and settle the Difference accordingly: And there shall be paid to the Officer measuring such Ship, by the Party against whom he decides, the

the following Sums; (that is to say,) One Guinea if the Ship be below and Half a Guinea if the Ship be above the Entrance of the *London Docks* at *Wapping*.

Rates of Pilotage. (Trinity House).

Pilot Fund (Trinity House).

Pilot Fund (Trinity House).

385. Subject to any Alteration to be made by the *Trinity House*, there shall continue to be paid to them, and carried over to the *Trinity House* Pilot Fund, the Sums of Money following; (that is to say,)

Payments to be made to the Pilot Fund.

(1.) A Poundage of Sixpence in the Pound upon the Pilotage Earnings of all Pilots licensed by the *Trinity House*:

(2.) A Sum of Three Pounds Three Shillings to be paid on the First Day of *January* in every Year by every Person licensed by the *Trinity House* to act as Pilot in any District not under the Superintendence of Sub-Commissioners, or in any Part of such District:

And any qualified Pilot giving a false Account of his Earnings, or making default in Payment of any Sum due from him under this Section, shall forfeit double the Amount payable, and shall further be liable, at the Discretion of the *Trinity House*, to Suspension or Dismissal.

386. Subject to any prior Charges that may be subsisting thereon by virtue of any Act or Acts of Parliament or otherwise, the said *Trinity House* Pilot Fund shall be chargeable in the first instance with such Expenses as the *Trinity House* may duly incur in Performance of their Duties in respect of Pilots and Pilotage, and after Payment thereof shall, subject to any Alteration to be made by the *Trinity House*, be administered by the *Trinity House* for the Benefit of such Pilots licensed by them after the First Day of *October* One thousand eight hundred and fifty-three as are incapacitated for the Performance of their Duty by reason of Age, Infirmity, or Accident, or of the Widows and Children of Pilots so licensed, or of such incapacitated Pilots only.

Application of Fund.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

Appointment of Sub-Commissioners by Trinity House of Hull and Newcastle.

387. The Two Corporations of the Trinity Houses of the Ports of *Hull* and *Newcastle* shall continue to appoint Sub-Commissioners, not being more than Seven nor less than Three in Number, for the Purpose of examining Pilots in all Districts in which they have been used to make such Appointments, and may, with the Consent of Her Majesty in Council, but not otherwise, appoint like Sub-Commissioners for any other District situate within their respective Juris-

Power to Trinity Houses of Hull and Newcastle to appoint Sub-Commissioners.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle

Jurisdictions; but no Pilotage District already under the Authority of any Sub-Commissioners appointed by either of the said Corporations shall be extended, except with such Consent as aforesaid; and no Sub-Commissioners appointed or to be appointed by the Trinity Houses of *Hull* and *Newcastle* shall be deemed to be Pilotage Authorities within the Meaning of this Act, nor shall anything in this Act contained be held to confer upon the Commissioners for regulating the Pilotage of the Port of *Kingston-upon-Hull* and of the River *Humber* any Jurisdiction of a different Nature or Character from that which they have heretofore exercised.

Saving of Owners and Masters Rights.

Limitation of Liability of Owner where Pilotage is compulsory.

Saving of Owners and Masters Rights.

388. No Owner or Master of any Ship shall be answerable to any Person whatever for any Loss or Damage occasioned by the Fault or Incapacity of any qualified Pilot acting in charge of such Ship, within any District where the Employment of such Pilot is compulsory by Law.

PART VI.

LIGHTHOUSES.

Management of Lighthouses

Management of Lighthouses, Buoys, and Beacons to be in Trinity House, Commissioners of Northern Lighthouses, and Port of Dublin Corporation.

Management of Lighthouses.

389. Subject to the Provisions herein-after contained, and subject also to any Powers or Rights now lawfully enjoyed or exercised by any Person or Body of Persons having by Law or Usage Authority over local Lighthouses, Buoys, or Beacons, herein-after termed "Local Authorities," the Superintendence and Management of all Lighthouses, Buoys, and Beacons shall be vested in the following Bodies; that is to say,

In *England* and *Wales*, and the Islands of *Jersey*, *Guernsey*, *Sark*, and *Alderney*, and the adjacent Seas and Islands, and in *Heligoland* and *Gibraltar*, in the *Trinity House:*

In *Scotland* and the adjacent Seas and Islands, and in the *Isle of Man*, in the Commissioners of Northern Lighthouses herein-after mentioned:

In *Ireland* and the adjacent Seas and Islands, in the Port of *Dublin* Corporation:

And, subject to the Provisions herein-after contained, the said *Trinity House*, Commissioners, and Corporation (herein-after termed General Lighthouse Authorities) shall respectively continue to hold and maintain all Property now vested in them in that Behalf in the same Manner

Manner and for the same Purposes as they have hitherto held and maintained the same.

Management of Lighthouses.

390. The Persons holding the following Offices shall be a Body Corporate under the Name of the Commissioners of Northern Lighthouses; that is to say,

Incorporation of Commissioners of Northern Lighthouses.

(1.) The Lord Advocate and the Solicitor-General for *Scotland;*
(2.) The Lords Provosts of *Edinburgh* and *Glasgow*, and the Provosts of the Cities of *Aberdeen*, *Inverness*, and *Campbeltown;*
(3.) The eldest Bailies of *Edinburgh* and *Glasgow;*
(4.) The Sheriffs of the Counties of *Edinburgh*, *Lanark*, *Renfrew*, *Bute*, *Argyle*, *Inverness*, *Ross*, *Orkney*, *Caithness*, *Aberdeen*, *Ayr*, *Fife*, *Forfar*, *Wigton*, *Sutherland*, *Kincardine*, *Kircudbright*, and *Elgin;*

And shall have a Common Seal; and any Five of such Commissioners shall constitute a Quorum, and shall have Power to do all such Matters and Things as might be done by the whole Body of Commissioners.

391. In addition to the Persons above mentioned, it shall be lawful for the said Commissioners at any Time after this Act comes into operation to elect the Provost or Chief Magistrate of any Royal or Parliamentary Burgh on or near any Part of the Coasts of *Scotland* and the Sheriff of any County abutting on such Coasts.

Power to elect certain new Members.

392. The *Trinity House*, their Engineers, Workmen, and Servants, may at all Times enter any Lighthouses within the Jurisdiction of the said Commissioners or Corporation to view the Condition thereof or otherwise for the Purposes of this Act.

Trinity House may inspect Lighthouses in Scotland and Ireland.

393. The Board of Trade may, upon Complaint to the Effect that any Lighthouse, Buoy, or Beacon under the Management of any of the said General Lighthouse Authorities, or any Work connected therewith, is inefficient or improperly managed or unnecessary, authorize Persons to inspect the same; and every Person so authorized may inspect the same accordingly, and make such Inquiries in respect thereof and of the Management thereof, as he may think fit; and all Officers and others having the Care of such Lighthouses, Buoys, or Beacons or concerned in the Management thereof, shall furnish all such Information and Explanations in relation thereto as he may require; and the said General Lighthouse Authorities and their respective Officers shall at all Times give to the Board of Trade all such Returns, Explanations or Information in relation to the Lighthouses, Buoys, or Beacons within their Jurisdiction and the Management thereof, as such Board may from Time to Time require.

Board of Trade may appoint Persons to inspect Lighthouses, &c.

394. Each

Management of Lighthouses.

Power to General Lighthouse Authorities to control local Authorities.

394. Each of the said General Lighthouse Authorities, upon giving due Notice of their Intention, shall have Power, with the Sanction of the Board of Trade, to compel any Local Authority having Jurisdiction in the Matter of Lighthouses, Buoys, or Beacons at any Place situate within the Jurisdiction of such General Lighthouse Authority, to lay down Buoys, or to remove or discontinue any existing Lighthouse or Beacon, or to make any Variation in the Character of any Lighthouse or in the Mode of exhibiting Lights therein; and no such Local Authority as aforesaid shall erect any new Lighthouse, or remove or discontinue any Lighthouse, or vary the Character of any Lighthouse or the Mode of exhibiting Lights therein, without the Sanction of the General Lighthouse Authority within whose Jurisdiction the same is situate.

In case of Default by local Bodies local Lighthouses may be transferred to General Lighthouse Authorities.

395. If any Local Authority having Power to erect, maintain, or place any local Lighthouse, Buoy, or Beacon at any Place within the Jurisdiction of One of the said General Lighthouse Authorities fails so to do, or fails to obey any Direction given by such Authority under the last preceding Section, Her Majesty may, upon Application from such General Lighthouse Authority, by Order in Council direct that such Power as aforesaid shall be transferred to such last-mentioned Authority; and such Power, together with all Powers of levying and receiving Dues in respect of such Lighthouse, Buoy, or Beacon, shall thereupon become vested in such last-mentioned Authority; and such Lighthouse, with its Appurtenances, and also such Buoy or Beacon, and all Dues leviable in respect thereof, shall thenceforth be subject in all respects to the same Regulations as other Lighthouses and Light Dues, Buoys and Beacons provided for by this Act.

Light Dues.

Light Dues.

Dues to be levied.

396. Subject to any Alterations to be made under the Powers hereinafter contained, the said General Lighthouse Authorities shall, in respect of the existing Lighthouses, Buoys, or Beacons within their respective Jurisdictions, continue to levy Dues, herein-after called Light Dues, after the Rate at which the same are levied at the Time when this Act comes into operation; and such Light Dues shall be payable in respect of all Ships whatever, except Ships belonging to Her Majesty, and Ships hereby exempted from Payment thereof.

Light Dues to be subject to Revision by Her Majesty in Council.

397. Her Majesty may, by and with the Advice of Her Privy Council, from Time to Time reduce all or any of the Dues for the Time being payable in respect of existing or future Lighthouses, Buoys or Beacons, for the Time being under the Management of the said General Lighthouse Authorities; and may also by and with the like Advice

Advice from Time to Time increase or vary any of such Dues, so that no Dues payable in respect of any Lighthouse, Buoy, or Beacon existing at the Time when this Act comes into operation are made to exceed the Amount which has at any Period previous to such Time been received in respect thereof, or to which the said Dues might during any Part of such Period as last aforesaid lawfully have been raised. *Light Dues.*

398. Each of the said General Lighthouse Authorities shall have Power, with the Consent of Her Majesty in Council, to do any of the following Things; that is to say, Powers of General Lighthouse Authorities to alter and regulate Dues.

To exempt any Ships or any Classes of Ships from the Payment of Light Dues receivable by such Authority, and to annex any Terms or Conditions to such Exemptions:

To alter the Times, Places, and Modes at and in which the Light Dues receivable by such Authority are payable:

To substitute any other Dues or Class of Dues, whether by way of annual Payment or otherwise, in respect of any Ships or Classes of Ships, for the Dues payable to such Authority for the Time being.

399. Tables of all Light Dues, and a Copy of the Regulations for the Time being in force in respect thereof, shall be posted up at all Custom Houses within the United Kingdom; and each of the said General Lighthouse Authorities shall from Time to Time as Occasion requires furnish Copies of such Tables and Regulations to the Commissioners of Customs in *London*, and to the principal Officers of Customs resident at all Places where Light Dues are collected on account of such Lighthouse Authority; and such Copies shall be posted up by the Commissioners at the Custom House in *London*, and by such Officers at the Custom Houses of the Places at which they are respectively resident. Publication of Dues and Regulations.

400. A Receipt for Light Dues shall be given by the Person appointed to collect the same to every Person paying the same, and no Officer of Customs at any Port where Light Dues are payable in respect of any Ship shall grant a Clearance or Transire for any such Ship, unless the Receipt for the same is produced to him. Ship not to be cleared without Production of Receipt for Light Dues.

401. If the Owner or Master of any Ship fails on Demand of the authorized Collector to pay the Light Dues due in respect thereof, it shall be lawful for such Collector, in addition to any other Remedy which he or the Authority by whom he is appointed is entitled to use, to enter upon such Ship, and distrain the Goods, Guns, Tackle, or any other Thing of or belonging to or on board such Ship, and to detain such Distress until the said Light Dues are paid; and if Payment of the same is not made within the Period of Three Days next ensuing such Distress, he may, at any Time during the Continuance Power of Distress for Light Dues.

Light Dues.

ance of such Nonpayment, cause the same to be appraised by Two sufficient Persons or Sworn Appraisers, and thereupon sell the same, and apply the Proceeds in Payment of the Light Dues due, together with all reasonable Expenses incurred by him under this Section, paying the Surplus (if any) on Demand to the said Owner or Master.

Light Dues, how to be paid over and accounted for.

402. Every Person appointed to collect Light Dues by any of the said General Lighthouse Authorities shall collect all Light Dues payable at the Port or Place at which he is so appointed, whether the same be collected on account of such last-mentioned Authority or of the other General Lighthouse Authorities, and shall pay over to the General Lighthouse Authority by whom he was appointed, or as it directs, the whole Amount of Light Dues received by him; and the Authority so receiving the same shall keep Accounts thereof, and shall cause the same to be remitted to Her Majesty's Paymaster General in such Manner as the Board of Trade directs.

Application of Light Dues

403. All Light Dues coming to the Hands of any of the said General Lighthouse Authorities under this Act shall be carried to the Account of the Mercantile Marine Fund herein-after mentioned, and shall be dealt with in manner herein-after prescribed.

New Lighthouses.

Construction of and Dues for New Lighthouses.

Power to Lighthouse Authorities to erect, place, and alter Lighthouses, Buoys, and Beacons.

404. Each of the said General Lighthouse Authorities shall have Power, within its Jurisdiction, to execute the following Works and do the following Things; (that is to say,)

(1.) To erect or place new Lighthouses, with all requisite Works, Roads, and Appurtenances, or alter or remove any existing Lighthouses:

(2.) To erect or place any new Buoys or Beacons, or alter or remove any existing Buoys or Beacons:

(3.) To take and purchase any Land which may be necessary for the above Purposes, or for the Maintenance of the Works or the Residence of the Light Keepers:

(4.) To vary the Character of any Lighthouse or the Mode of exhibiting Lights therein:

(5.) To sell any Land belonging to it:

But the Exercise of the above Power shall, in the Case of the said Commissioners and Corporation, be subject to the Restrictions herein-after contained.

This Power in the Case of the Commissioners and Corporation to be subject to Approval by

405. Previously to undertaking any such Work as aforesaid, the said Commissioners or Corporation, as the Case may be, shall forward a Notice specifying fully the Nature of the Work proposed to be undertaken by them, and their Reasons for undertaking the same, to the *Trinity House*, who shall take the proposed Scheme into their Consideration,

Consideration, and notify to the said Commissioners or Corporation their Approval or Rejection thereof with or without Modifications; but no such Notification shall be binding on the said Commissioners or Corporation until the same has been sanctioned by the Board of Trade in manner herein-after mentioned; and at any Time previous to such Sanction being given, the said Commissioners or Corporation may forward to the *Trinity House* and the Board of Trade, or either of them, any Objections to, or Observations upon, or Suggestions in respect of, such Notification.

New Lighthouses.

Trinity House, with Appeal to Board of Trade.

406. In order to obtain such Sanction as aforesaid, the *Trinity House* shall forward a Copy of their Notification, accompanied by Copies of all Communications that have passed between the *Trinity House* and the said Commissioners or Corporation, to the Board of Trade; and such Board shall have Power to give any Directions they may think fit in relation to the Matters submitted to them, by granting or withholding their Sanction, either wholly or partially, and either with or without Modification.

Sanction of Board of Trade, how to be obtained.

407. The *Trinity House* shall forthwith communicate the Directions given by the Board of Trade in relation to the Matters aforesaid to the said Commissioners or Corporation, and the said Commissioners or Corporation shall, upon the Receipt of such Directions, be bound to act in conformity therewith, and to do or forbear doing anything thereby directed to be done or forborne.

Trinity House to inform Lighthouse Authorities of Decision of Board of Trade.

408. The *Trinity House* shall have Power to direct the said Commissioners and Corporation, or either of them, to execute the following Works; (that is to say,)

(1.) To continue any existing Lighthouses, Buoys, or Beacons:

(2.) To erect or place any new Lighthouses, Buoys, or Beacons, or alter or remove any existing Lighthouses, Buoys, or Beacons:

(3.) To vary the Character of any Lighthouse, or the Mode of exhibiting Lights therein:

But no such Directions shall be issued to the said Commissioners or Corporation until the Issue thereof has been sanctioned by the Board of Trade; such Sanction to be obtained by the *Trinity House* in manner herein-after mentioned.

Power to Trinity House, with Sanction of Board of Trade, to compel Execution of Works by Commissioners and Corporation.

409. Previously to issuing any such Directions as aforesaid, the *Trinity House* shall make an Application to the Board of Trade, stating fully the Nature of the Work to which such Directions relate and their Reasons for directing the same; and shall at the same Time give Notice to the said Commissioners or Corporation respectively of such their Application, by causing written Notice of the said Application and a Copy of the proposed Directions to be left at or sent to the Office of the said Commissioners in *Edinburgh*, or the Office of

Sanction of Board of Trade, how to be obtained.

New Lighthouses.

of the said Corporation in *Dublin*, as the Case may be; and Opportunity shall be afforded to the said Commissioners or Corporation to submit any Observations they may see fit to make with respect to such Application to the *Trinity House* and to the Board of Trade; and if thereupon the said *Trinity House* adhere to their said Directions, and if the Board of Trade concur therein, and if such Adherence and Concurrence is duly notified to the said Commissioners or Corporation, it shall be their Duty within a reasonable Time after such Notification is made to carry the said Directions into effect.

Her Majesty may by Order in Council fix Dues to be taken for new Lighthouses.

410. Upon the Completion of any new Lighthouse, Buoy, or Beacon, Her Majesty may by Order in Council fix such Dues in respect thereof to be paid by the Master or Owner of every Ship which passes the same or derives Benefit therefrom, as Her Majesty may deem reasonable, and may from Time to Time alter the Amount thereof; and such Dues shall be paid and collected in the same Manner, by the same Means, and subject to the same Conditions in, by, and subject to which the Light Dues authorized to be levied by this Act are paid and collected.

No Dues to be levied in the Channel Islands without Consent of the States, and no Power to be exercised therein but by Order in Council.

411. No Dues for any Lighthouse, Buoy, or Beacon to be erected or placed in or near the Islands of *Guernsey*, *Jersey*, *Sark*, or *Alderney* shall be taken in the said Islands of *Guernsey* or *Jersey* without the Consent of the States of the said Islands respectively; nor shall any Powers herein-before given to the *Trinity House* in respect of any Lighthouse, Buoy, or Beacon erected or placed in the Islands of *Guernsey* or *Jersey*, or hereafter to be erected or placed in such Islands, be exercised without the Consent of Her Majesty in Council.

Incorporation of 8 & 9 Vict. cc. 18 and 19

412. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act (*Scotland*), 1845, shall be incorporated in this Act, and shall apply to all Lighthouses to be constructed and all Land to be purchased under the Powers thereof.

Surrender of Local Lighthouses.

Local Lighthouses may be surrendered to General Lighthouse Authorities.

Surrender of Local Lighthouses.

413. Every Local Authority holding any Lighthouse, Buoy, or Beacon at any Place within the Jurisdiction of any of the said General Lighthouse Authorities may, if they think fit, surrender or sell the same to such General Lighthouse Authority, and such Authority may, with the Consent of the Board of Trade, accept or purchase the same, the Purchase Money (if any) to be paid out of the said Mercantile Marine Fund; and thereupon such Lighthouse and its Appurtenances or such Buoy or Beacon, as the Case may be, shall become vested in such Authority; and such Authority shall be entitled to receive all Dues lawfully payable in respect thereof at the Time of such Surrender or Sale, or, if Her Majesty by Order in Council so directs, such Dues as might be fixed and made payable if the same were a new Lighthouse, Buoy or Beacon;

Beacon; and such Lighthouse, Buoy, or Beacon, and the Dues payable in respect thereof, shall, after such Surrender or Sale, be subject in all respects to the same Regulations as other Lighthouses and Light Dues, Buoys and Beacons provided for by this Act.

Surrender of Local Lighthouses

Damage to Lights, Buoys, and Beacons.

Damage to Lights, Buoys, and Beacons.

414. If any Person wilfully or negligently commits any of the following Offences, (that is to say,)

(1.) Injures any Lighthouse or the Lights exhibited therein, or any Buoy or Beacon;

(2.) Removes, alters, or destroys any Light Ship, Buoy, or Beacon,

(3.) Rides by, makes fast to, or runs foul of any Light Ship or Buoy;

He shall, in addition to the Expenses of making good any Damage so occasioned, incur a Penalty not exceeding Fifty Pounds.

Penalty for Injuring Lights, Buoys, and Beacons.

Prevention of False Lights.

Prevention of False Lights.

415. Whenever any Fire or Light is burnt or exhibited at such Place or in such Manner as to be liable to be mistaken for a Light proceeding from a Lighthouse, it shall be lawful for the General Lighthouse Authority within whose Jurisdiction such Place is situate, to serve a Notice upon the Owner of the Place where the Fire or Light is burnt or exhibited, or on the Person having the Charge of such Fire or Light, either personally or by Delivery at the Place of Abode of such Owner or Person, or by affixing the same in some conspicuous Spot near to such Fire or Light, and by such Notice to direct such Owner or Person, within a reasonable Time to be therein specified, to take effectual Means for the extinguishing or effectually screening such existing Light, and for preventing for the future any similar Fire or Light; and any Owner or Person disobeying such Notice shall be deemed guilty of a Common Nuisance, and in addition to any other Penalties or Liabilities of any kind thereby incurred, shall incur a Penalty not exceeding One hundred Pounds.

General Lighthouse Authorities may be prohibit false Lights.

416. If any Owner or Person served with such Notice as aforesaid neglects for a Period of Seven Days to extinguish or effectually screen the Fire or Light therein mentioned, it shall be lawful for the General Lighthouse Authority within whose Jurisdiction the same may be, by their Servants or Workmen, to enter upon the Place whereon the same may be, and forthwith to extinguish such Fire or Light, doing no unnecessary Damage; and all Expenses incurred by such Authority in such Extinction may be recovered from such Person or Owner as aforesaid in the same Way as Penalties are hereby directed to be recoverable.

If not obeyed they may abate such Lights.

Mercantile Marine Fund.

PART VII.

MERCANTILE MARINE FUND.

Sums to be carried to Mercantile Marine Fund.

417. The following Sums shall be carried to a common Fund, to be entitled the "Mercantile Marine Fund;" (that is to say,)

(1.) All Fees and other Sums (other than Fines and Forfeitures) received by the Board of Trade under the Provisions of the Third and Fourth Parts of this Act:

(2.) All Light Dues or other Sums received by or accruing to the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation, under the Sixth Part of this Act:

7 Vict. c. lvii

(3.) All Rates and Monies received by the *Trinity House* under the Local Act of the Seventh Year of Her present Majesty, Chapter Fifty-seven, for the Regulation of Lastage and Ballastage in the River *Thames:*

(4.) All Fees and other Sums mentioned in the Table marked V. in the Schedule hereto which are received by Receivers appointed under the Eighth Part of this Act:

And an Account of the said Fund, intituled "The Mercantile Marine Fund Account," shall be kept with Her Majesty's Paymaster General.

Application of Mercantile Marine Fund.

418. Subject to any prior Charges that may be subsisting thereon by virtue of any Act or Acts of Parliament or otherwise, the said Fund shall be chargeable with the following Expenses; that is to say,

(1.) The Salaries and other Expenses connected with the Local Marine Boards, the Examinations, and the Shipping Offices, provided for by the Third Part of this Act:

(2.) The Salaries of Surveyors, and other Expenses connected with the Survey of Passenger Steam Ships provided for by the Fourth Part of this Act:

(3.) All Expenses incurred by the General Lighthouse Authorities aforesaid in the Works and Services of Lighthouses, Buoys and Beacons provided for by the Sixth Part of this Act, or in the Execution of any Works necessary or expedient for the Purpose of permanently reducing the Expense of such Works and Services:

(4.) All Expenses incurred by the *Trinity House* in respect of Lastage and Ballastage in the River *Thames:*

(5.) Such Expenses for establishing and maintaining on the Coasts of the United Kingdom proper Life-boats, with the necessary Crews and Equipments, and for affording Assistance towards the Preservation of Life and Property in Cases of Shipwreck and Distress at Sea, and for rewarding the Preservation of Life in such Cases, as the Board of Trade directs:

(6.) Any

(6.) Any Expenses incurred in carrying into effect the Provisions with regard to Receivers and the Performance of their Duties contained in the Eighth Part of this Act:

(7.) Any Expenses which by this or any other Act of Parliament are specially charged thereon:

And shall, save as herein-after mentioned, be applicable to no other Purpose whatever.

Mercantile Marine Fund.

419. The said Rates and Monies received by the *Trinity House* under the said Local Act of the Seventh Year of Her present Majesty, Chapter Fifty-seven, shall, subject to the Payment of such Proportion of any prior Charges subsisting on the Mercantile Marine Fund as may in the Opinion of the Board of Trade be fairly chargeable thereon, and to the Powers of raising Money upon the Credit of the said Fund herein contained, be applicable only to Services performed for the Purpose of supplying Ballast to or providing for the Safety or Convenience of such Ships as navigate the said River *Thames* and the Seas and Channels leading thereto between *Orfordness* on the North and *Dungeness* on the South: Provided that if, in addition to the Duties performed in consideration of the said Ballastage Rates under the said Local Act, the *Trinity House*, at the Request or with the Consent of the Owners or Masters of or Agents for any Ships, undertake to place Ballast on board thereof, or to unload Ballast therefrom, they shall be entitled to charge for such additional Duties such reasonable additional Rate *per* Ton for Ballast so placed on board or unladen as Her Majesty by Order in Council from Time to Time approves.

Application of Ballastage Rates 6 & 7 Vict. c. lvii.

420. Her Majesty may from Time to Time, by and with the Advice of Her Privy Council, fix the Establishments to be maintained by each of the said General Lighthouse Authorities on account of the Services of Lighthouses, Buoys and Beacons, and also as regards the *Trinity House*, on account of the Service of Lastage and Ballastage in the River *Thames*, or the annual or other Sums to be paid out of the said Fund, in respect of such Establishments; and if it appears that any Part of the Establishments of the said Lighthouse Authorities is maintained for the Purposes of such Duties and also for other Purposes, to fix and from Time to Time alter the Portion of the Expense of such Establishments to be paid out of the said Fund; and no Increase of any Establishment or Part of an Establishment so fixed shall be made without the Consent of the Board of Trade.

Establishments for Lighthouses and Ballastage charged on Fund to be fixed by Her Majesty in Council.

421. The said General Lighthouse Authorities may from Time to Time, with the Sanction of the Board of Trade, grant Superannuations or Compensations to Persons whose Salaries are payable out of the said Fund, and who are discharged or retire;

Power to grant Superannuation Allowances.

so

Mercantile Marine Fund.

so nevertheless that no Superannuation Allowance or Compensation to any Person so discharged or retiring shall exceed the Proportion of his Salary which might be granted to a Person in the public Civil Service, under the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty four, or under any other Act for regulating such Superannuation Allowances or Compensations for the Time being in force.

Estimates and Accounts for other Expenses to be approved by the Board of Trade.

422. Each of the said General Lighthouse Authorities shall from Time to Time submit to the Board of Trade Estimates of all Expenses to be incurred by them in respect of the Matters aforesaid, other than the Establishment Expenses for the Time being allowed by Order in Council as aforesaid; and shall also, whenever in providing for any sudden Emergency it is necessary to incur any Expense without waiting until an Estimate can be sanctioned, as soon as possible send to the Board of Trade a full Account of such Expense; and the Board of Trade shall consider and may approve such Estimates and Accounts, either with or without Modification.

No Expense to be allowed unless sanctioned by Board of Trade.

423. No Expense of any of the said General Lighthouse Authorities in respect of the said Services shall be paid out of the Mercantile Marine Fund, or allowed in Account, other than the Sums so allowed for Establishment Expenses as aforesaid, or included in Estimates or Accounts approved by the Board of Trade.

For the Purpose of erecting and repairing Lighthouses, and other extraordinary Expenses, Treasury may advance Money.

424. For the Purpose of the Construction and Repair of Lighthouses, and of other extraordinary Expenses connected with the said Services, the Treasury are authorized from Time to Time, upon the Application of the Board of Trade, to advance out of the growing Produce of the Consolidated Fund of the United Kingdom such Sums of Money, upon such Terms, and at such Rate of Interest as they think fit, and to pay the same into the Mercantile Marine Fund Account, so nevertheless that the whole Sum for the Time being due in respect of such Advances shall never at any One Time exceed Two hundred thousand Pounds; and upon any Advance being so made the Sum so advanced and the Interest shall be a Charge on the Mercantile Marine Fund, and upon the Dues, Rates, Fees, and Payments so to be carried thereto as aforesaid; and the Board of Trade shall make such Provision for the Repayment thereof out of the said Fund, either by forming a Sinking Fund or otherwise, as the Treasury may require; provided that no such Advance shall prevent any lawful Reduction of any of the said Dues, Rates, Fees, or Payments, if such Reduction be assented to by the Treasury.

Power to Board of Trade to

425. The Board of Trade may also, for the Purpose last aforesaid, raise Money by mortgaging the Mercantile Marine Fund, and the

the several Dues, Rates, Fees, and Payments so to be carried thereto, as aforesaid, or any of them, or any Part thereof, to any Person or Body of Persons; and every such Mortgage shall be in such Form, and under the Hand and Seal of such Person or Persons, as the President of the said Board for the Time being may direct; and no Person or Body of Persons lending Money upon any such Mortgage shall be bound to see to the Purpose for which the same is raised, or to the Mode in which it is applied.

Mercantile Marine Fund.

borrow Money on the Credit of Fund.

426. The Public Works Loan Commissioners may also, for the Purpose last aforesaid, advance Money upon Mortgage of the said Mercantile Marine Fund, and the several Dues, Rates, Fees, and Payments so to be carried thereto as aforesaid, or any of them, or any Part thereof, without requiring any further Security than such Mortgage as aforesaid; but every Mortgage so made to the said Public Works Loan Commissioners, or their Secretary for the Time being, shall be made under and in pursuance of the Acts of Parliament regulating the Proceedings of the said Public Works Loan Commissioners, anything herein contained to the contrary notwithstanding: Provided, that no Advance which may be made by the said Public Works Loan Commissioners shall prevent any lawful Reduction of any of the said Dues, Rates, Fees, or Payments, if such Reduction is assented to by the said Public Works Loan Commissioners.

Power to Public Works Loan Commissioners to advance Money on the Credit of the Fund.

427. Each of the said General Lighthouse Authorities shall account to the Board of Trade for their Receipts from the said Light Dues and Ballastage Rates, and for their Expenditure as regards Expenses paid out of the said Fund, in such Form, and at such Times, and with such Details, Explanations, and Vouchers, as the Board of Trade requires, and shall, when required by such Board, permit all Books of Accounts kept by or under their respective Direction to be inspected and examined by such Persons as the said Board appoints for that Purpose.

Lighthouse Authorities to account for Receipt and Expenditure to Board of Trade.

428. The Board of Trade shall render to the Commissioners for auditing the Public Accounts periodical Accounts of the whole of the Receipts and Expenditure of the Mercantile Marine Fund, such Accounts to be signed and declared to by the Accountant appointed by the Board of Trade for that Purpose; and in case of Default it shall be lawful for the Treasury to make or direct such Allowance as under the Circumstances of the Case they may think fit in respect thereof.

Accounts of Fund to be audited by Commissioners of Audit.

429. The Board of Trade shall as soon as practicable after the meeting of Parliament in every Year cause the Account of the

Accounts to be laid before Parliament.

Mercantile Marine Fund

Mercantile Marine Fund for the then preceding Year to be laid before both Houses of Parliament.

Property used for the Purposes of Parts III. and VI. of Act to be exempt from all Rates and Taxes.

430. All Lighthouses, Buoys, Beacons, and Light Dues, and all other Rates, Fees, or Payments accruing to or forming Part of the said Fund, and all Premises or Property belonging to or occupied by any of the said General Lighthouse Authorities or the Board of Trade, which are used or applied for the Purposes of any of the Services for which such Dues, Rates, Fees, and Payments are received, and all Instruments or Writings used by or under the Direction of any of the said General Lighthouse Authorities or the Board of Trade in carrying on the said Services, shall be exempted from all public, parochial, and local Taxes, Duties, and Rates of every kind.

Ships of Lighthouse Authorities exempt from Harbour Dues.

431. The Ships belonging to or used by any of the said General Lighthouse Authorities, or by the Board of Trade, shall be privileged to enter, resort to, and use any Harbours, Ports, Docks, or Piers in the United Kingdom, without Payment of any Tolls, Dues, or Rates of any kind.

PART VIII.

WRECKS, CASUALTIES, AND SALVAGE.

Inquiries into Wrecks

Inquiries into Wrecks.

Inquiries to be instituted in Cases of Wreck and Casualty.

432. In any of the Cases following, that is to say,

Whenever any Ship is lost, abandoned, or materially damaged on or near the Coasts of the United Kingdom;

Whenever any Ship causes Loss or material Damage to any other Ship on or near such Coasts;

Whenever by reason of any Casualty happening to or on board of any Ship on or near such Coasts Loss of Life ensues;

Whenever any such Loss, Abandonment, Damage, or Casualty happens elsewhere, and any competent Witnesses thereof arrive or are found at any Place in the United Kingdom;

It shall be lawful for the Inspecting Officer of the Coast Guard or the principal Officer of Customs residing at or near the Place where such Loss, Abandonment, Damage, or Casualty occurred, if the same occurred on or near the Coasts of the United Kingdom, but if elsewhere at or near the Place where such Witnesses as aforesaid arrive or are found or can be conveniently examined, or for any other Person appointed for the Purpose by the Board of Trade, to make Inquiry respecting such Loss, Abandonment, Damage, or Casualty; and he shall for that Purpose have all the Powers given by the First Part of this Act to Inspectors appointed by the said Board.

433. If

Inquiries into Wrecks.

Formal Investigation before Justices.

433. If it appears to such Officer or Person as aforesaid, either upon or without any such preliminary Inquiry as aforesaid, that a formal Investigation is requisite or expedient, or if the Board of Trade so directs, he shall apply to any Two Justices or to a Stipendiary Magistrate to hear the Case; and such Justices or Magistrate shall thereupon proceed to hear and try the same, and shall for that Purpose, so far as relates to the summoning of Parties, compelling the Attendance of Witnesses, and the Regulation of the Proceedings, have the same Powers as if the same were a Proceeding relating to an Offence or Cause of Complaint upon which they or he have Power to make a summary Conviction or Order, or as near thereto as Circumstances permit; and it shall be the Duty of such Officer or Person as aforesaid to superintend the Management of the Case, and to render such Assistance to the said Justices or Magistrate as is in his Power; and, upon the Conclusion of the Case, the said Justices or Magistrate shall send a Report to the Board of Trade, containing a full Statement of the Case and of their or his Opinion thereon, accompanied by such Report of or Extracts from the Evidence, and such Observations (if any) as they or he may think fit.

Power to appoint Nautical Assessor.

434. In Cases where Nautical Skill and Knowledge are required, the Board of Trade shall have the Power, either at the Request of such Justices or Magistrate, or at its own Discretion, to appoint some Person of Nautical Skill and Knowledge to act as Assessor to such Justices or Magistrate; and such Assessor shall, upon the Conclusion of the Case, either signify his Concurrence in their Report by signing the same, or if he dissents therefrom shall signify such Dissent and his Reasons therefor to the Board of Trade.

Stipendiary Magistrate to be the Magistrate who is Member of Local Marine Board, and to be paid.

435. In Places where there is a Local Marine Board, and where a Stipendiary Magistrate is a Member of such Board, all such Investigations as aforesaid shall, whenever he happens to be present, be made before such Magistrate; and there shall be paid to such Magistrate in respect of his Services under this Act such Remuneration, whether by way of annual Increase of Salary or otherwise as Her Majesty's Secretary of State for the Home Department, with the Consent of the Board of Trade, may direct; and such Remuneration shall be paid out of the Mercantile Marine Fund.

Costs of such Investigations.

436. The said Justices or Magistrate may make such Order with respect to the Costs of any such Investigation or any Portion thereof as they or he may deem just, and such Costs shall be paid accordingly, and shall be recoverable in the same Manner as other Costs incurred in Summary Proceedings before them or him; and the Board of Trade may, if in any Case it thinks fit so to do, pay the Expense of any such Investigation, and may pay to such Assessor as aforesaid such Remuneration as it thinks fit.

437. In

Inquiries into Wrecks

Investigations in Scotland.

437. In the Case of any such Investigation as aforesaid to be held in *Scotland*, the Board of Trade may, if it so thinks fit, remit the same to the Lord Advocate to be prosecuted in such Manner as he may direct, and in case he so requires, with the Assistance of such Person of nautical Skill and Knowledge as the Board of Trade may appoint for the Purpose.

Master or Mate may be required to deliver Certificate to be held until Close of Inquiry.

438. Such Justices or Magistrate as aforesaid may, or in *Scotland* such Person or Persons as is or are directed by the Lord Advocate to conduct the Investigation may, if they or he think fit, require any Master or Mate possessing a Certificate of Competency or Service whose Conduct is called in question or appears to them or him likely to be called in question in the course of such Investigation, to deliver such Certificate to them or him, and they or he shall hold the Certificate so delivered until the Conclusion of the Investigation, and shall then either return the same to such Master or Mate, or, if their Report is such as to enable the Board of Trade to cancel or suspend such Certificate under the Powers given to such Board by the Third Part of this Act, shall forward the same to the Board of Trade, to be dealt with as such Board thinks fit; and if any Master or Mate fails so to deliver his Certificate when so required, he shall incur a Penalty not exceeding Fifty Pounds.

Appointment and Duties of Receivers.

Appointment and Duties of Receivers.

Board of Trade Superintendents of Wreck, with Power to appoint Receivers.

439. The Board of Trade shall throughout the United Kingdom have the general Superintendence of all Matters relating to Wreck; and it may, with the Consent of the Commissioners of Her Majesty's Treasury, appoint any Officer of Customs or of the Coast Guard, or any Officer of Inland Revenue, or, when it appears to such Board to be more convenient, any other Person, to be a Receiver of Wreck in any District, and to perform such Duties as are herein-after mentioned, and shall give due Notice of every such Appointment.

Admiral not to interfere with Wreck.

440. No Admiral, Vice Admiral, or other Person, under whatever Denomination, exercising Admiralty Jurisdiction, shall as such, by himself or his Agents, receive, take, or interfere with any Wreck except as herein-after mentioned.

Duty of Receiver when any Ship is stranded or in Distress.

441. Whenever any Ship or Boat is stranded or in Distress at any Place on the Shore of the Sea or of any Tidal Water within the Limits of the United Kingdom, the Receiver of the District within which such Place is situate shall, upon being made acquainted with such Accident, forthwith proceed to such Place, and upon his Arrival there he shall take the Command of all Persons present, and assign such Duties to each Person, and issue such Directions, as he may think fit with a view to the Preservation of such Ship or Boat, and the Lives of the Persons belonging thereto, and the Cargo and Apparel thereof; and if any Person wilfully disobeys such Directions, he shall forfeit a

Sum

Sum not exceeding Fifty Pounds; but it shall not be lawful for such Receiver to interfere between the Master of such Ship or Boat and his Crew in Matters relating to the Management thereof, unless he is requested so to do by such Master.

Appointment and Duties of Receivers.

442. The Receiver may, with a view to such Preservation as aforesaid of the Ship or Boat, Persons, Cargo, and Apparel, do the following Things; (that is to say,)

Powers of Receiver in case of such Accident to any Ship or Boat.

(1.) Summon such Number of Men as he thinks necessary to assist him:

(2.) Require the Master or other Person having the Charge of any Ship or Boat near at hand to give such Aid with his Men, Ship, or Boats as may be in his Power:

(3.) Demand the Use of any Waggon, Cart, or Horses that may be near at hand:

And any Person refusing without reasonable Cause to comply with any Summons, Requisition, or Demand so made as aforesaid, shall for every such Refusal incur a Penalty not exceeding One hundred Pounds; but no Person shall be liable to pay any Duty of Assessed Taxes in respect of any such Waggon, Cart, or Horses by reason of the User of the same under this Section.

443. All Cargo and other Articles belonging to such Ship or Boat as aforesaid, that may be washed on Shore, or otherwise be lost or taken from such Ship or Boat, shall be delivered to the Receiver; and any Person, whether he is the Owner or not, who secretes or keeps Possession of any such Cargo or Article, or refuses to deliver the same to the Receiver or to any Person authorized by him to demand the same, shall incur a Penalty not exceeding One hundred Pounds; and it shall be lawful for such Receiver or other Person as aforesaid to take such Cargo or Article by force from the Person so refusing to deliver the same.

All Articles washed on Shore, or lost, or taken from any Ship or Boat, to be delivered to the Receiver.

444. Whenever any such Accident as aforesaid occurs to any Ship or Boat, and any Person plunders, creates Disorder, or obstructs the Preservation of such Ship, Boat, Lives, or Cargo as aforesaid, it shall be lawful for the Receiver to cause such Person to be apprehended, and to use Force for the Suppression of any such Plundering, Disorder, or Obstruction as aforesaid, with Power to command all Her Majesty's Subjects to assist him in the Use of such Force; and if any Person is killed, maimed, or hurt by reason of his resisting the Receiver in the Execution of the Duties hereby committed to him, or any Person acting under his Orders, such Receiver or other Person shall be free and fully indemnified as well against the Queen's Majesty, Her Heirs and Successors, as against all Persons so killed, maimed, or hurt.

Power of Receiver to suppress Plunder and Disorder by Force.

445. During the Absence of the Receiver from the Place where any such Accident as aforesaid occurs, or in Places where no Receiver has

Certain Officers to exercise

Appointment and Duties of Receivers.

Powers of Receiver in his Absence.

has been appointed under this Act, the following Officers in Succession, each in the Absence of the other, in the Order in which they are named, that is to say, any principal Officer of Customs or of the Coast Guard, or Officer of Inland Revenue, and also any Sheriff, Justice of the Peace, Commissioned Officer on Full Pay in the Naval Service of Her Majesty, or Commissioned Officer on Full Pay in the Military Service of Her Majesty, may do all Matters and Things hereby authorized to be done by the Receiver, with this Exception, that with respect to any Goods or Articles belonging to any such Ship or Boat, the Delivery up of which to the Receiver is herein-before required, any Officer so acting shall be considered as the Agent of the Receiver, and shall place the same in the Custody of the Receiver; and no Person so acting as Substitute for any Receiver shall be entitled to any Fees payable to Receivers, or be deprived by reason of his so acting of any Right to Salvage to which he would otherwise be entitled.

Power in case of a Ship being in Distress to pass over adjoining Lands with Carriages.

446. Whenever any such Accident as aforesaid occurs to any Ship or Boat, all Persons may, for the Purpose of rendering Assistance to such Ship or Boat, or saving the Lives of the Persons on board the same, or the Cargo or Apparel thereof, unless there is some public Road equally convenient, pass and repass either with or without Carriages or Horses over any adjoining Lands, without being subject to Interruption by the Owner or Occupier, so that they do as little Damage as possible, and may also, on the like Condition, deposit on such Lands any Cargo or other Article recovered from such Ship or Boat; and all Damage that may be sustained by any Owner or Occupier in consequence of any such passing or repassing or Deposit as aforesaid shall be a Charge on the Ship, Boat, Cargo, or Articles in respect of or by which such Damage was occasioned, and shall, in default of Payment, be recoverable in the same Manner as Salvage is hereby made recoverable; and the Amount payable in respect thereof, if disputed, shall be determined in the same Manner as the Amount of Salvage is hereby in case of Dispute directed to be determined.

Penalty on Owners and Occupiers of Land refusing to allow Carriages, &c. to pass over their Land.

447. If the Owner or Occupier of any Land over which any Person is hereby authorized to pass or repass for any of the Purposes herein-before mentioned does any of the following Things, (that is to say,)

(1.) Impedes or hinders any such Person from so passing or repassing, with or without Carriages, Horses, and Servants, by locking his Gates, refusing, upon Request, to open the same, or otherwise however;

(2.) Impedes or hinders the Deposit of any Cargo or other Article recovered from any such Ship or Boat, as herein-before mentioned;

(3.) Prevents

(3.) Prevents such Cargo or other Article from remaining so deposited for a reasonable Time, until the same can be removed to a safe Place of public Deposit;

Appointment and Duties of Receivers.

He shall for every such Offence incur a Penalty not exceeding One hundred Pounds.

448. Any Receiver, or in his Absence any Justice of the Peace, shall, as soon as conveniently may be, examine upon Oath (which Oath they are hereby respectively empowered to administer) any Person belonging to any Ship which may be or may have been in Distress on the Coasts of the United Kingdom, or any other Person who may be able to give any Account thereof or of the Cargo or Stores thereof, as to the following Matters; (that is to say,)

Power of Receiver to institute Examination with respect to Ships in Distress.

(1.) The Name and Description of the Ship;
(2.) The Name of the Master and of the Owners;
(3.) The Names of the Owners of the Cargo;
(4.) The Ports or Places from and to which the Ship was bound;
(5.) The Occasion of the Distress of the Ship;
(6.) The Services rendered;
(7.) Such other Matters or Circumstances relating to such Ship, or to the Cargo on board the same, as the Receiver or Justice thinks necessary:

And such Receiver or Justice shall take the Examination down in Writing, and shall make Two Copies of the same, of which he shall send One to the Board of Trade, and the other to the Secretary of the Committee for managing the Affairs of *Lloyd's* in *London*, and such last-mentioned Copy shall be placed by the said Secretary in some conspicuous Situation for the Inspection of Persons desirous of examining the same; and for the Purposes of such Examination every such Receiver or Justice as aforesaid shall have all the Powers given by the First Part of this Act to Inspectors appointed by the Board of Trade.

449. Any Examination so taken in Writing as aforesaid, or a Copy thereof, purporting to be certified under the Hand of the Receiver or Justice before whom such Examination was taken, shall be admitted in Evidence in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, as *primâ facie* Proof of all Matters contained in such written Examination.

Original or certified Copy of Examination to be primâ facie Evidence.

450. The following Rules shall be observed by any Person finding or taking possession of Wreck within the United Kingdom; (that is to say,)

Rules to be observed by Persons finding Wreck

(1.) If the Person so finding or taking possession of the same is the Owner, he shall as soon as possible give Notice to the Receiver of

Appointment and Duties of Receivers.

of the District within which such Wreck is found, stating that he has so found or taken possession of the same; and he shall describe in such Notice the Marks by which such Wreck is distinguished:

(2.) If any Person not being the Owner finds or takes possession of any Wreck, he shall as soon as possible deliver the same to such Receiver as aforesaid:

And any Person making default in obeying the Provisions of this Section shall incur the following Penalties; (that is to say,)

(3.) If he is the Owner and makes default in performing the several Things the Performance of which is hereby imposed on an Owner,

He shall incur a Penalty not exceeding One hundred Pounds:

(4.) If he is not the Owner and makes default in performing the several Things, the Performance of which is hereby imposed on any Person not being an Owner,

He shall forfeit all Claim to Salvage;

He shall pay to the Owner of such Wreck, if the same is claimed, but if the same is unclaimed then to the Person entitled to such unclaimed Wreck, double the Value of such Wreck (such Value to be recovered in the same Way as a Penalty of like Amount); and

He shall incur a Penalty not exceeding One hundred Pounds.

Power for Receivers to seize concealed Wreck.

451. If any Receiver suspects or receives Information that any Wreck is secreted or in the Possession of some Person who is not the Owner thereof, or otherwise improperly dealt with, he may apply to any Justice of the Peace for a Warrant, and such Justice shall have Power to grant a Warrant, by virtue whereof it shall be lawful for the Receiver to enter into any House or other Place wherever situate, and also into any Ship or Boat, and to search for, and to seize and detain any such Wreck as aforesaid there found; and if any such Seizure is made in consequence of Information that may have been given by any Person to the Receiver, the Informer shall be entitled by way of Salvage to such Sum not exceeding in any Case Five Pounds as the Receiver may allow.

Notice of Wreck to be given by Receiver.

452. Every Receiver shall within Forty-eight Hours after taking possession of any Wreck cause to be posted up in the Custom House of the Port nearest to the Place where such Wreck was found or seized a Description of the same and of any Marks by which it is distinguished, and shall also, if the Value of such Wreck exceeds Twenty Pounds, but not otherwise, transmit a similar Description to the Secretary of the Committee of *Lloyd's* aforesaid; and such Secretary shall post up the Description so sent, or a Copy thereof, in some conspicuous Place, for the Inspection of all Persons desirous of examining the same.

453. In

Appointment and Duties of Receivers.

Goods deemed perishable or of small Value may be sold immediately.

453. In Cases where any Wreck in the Custody of any Receiver is under the Value of Five Pounds, or is of so perishable a Nature or so much damaged that the same cannot, in his Opinion, be advantageously kept, or if the Value thereof is not sufficient to defray the Charge of warehousing, the Receiver may sell the same before the Expiration of the Period herein-after mentioned, and the Money raised by such Sale, after defraying the Expenses thereof, shall be held by the Receiver for the same Purposes and subject to the same Claims for and to which the Article sold would have been held and liable if it had remained unsold.

In Cases where any Lord of the Manor or other Person is entitled to unclaimed Wreck, Receiver to give Notice to him.

454. In Cases where any Admiral, Vice-Admiral, Lord of the Manor, or other Person is entitled for his own Use to unclaimed Wreck found on any Place situate within a District for which a Receiver is appointed, such Admiral, Vice-Admiral, Lord of the Manor, or other Person shall deliver to such Receiver a Statement containing the Particulars of his Title, and the Address to which Notices are to be sent; and upon such Statement being so delivered, and Proof made to the Satisfaction of the Receiver of the Validity of such Title, it shall be his Duty, whenever he takes possession of any Wreck found at any such Place, to send within Forty-eight Hours thereafter a Description of the same and of any Marks by which it is distinguished, directed to such Address as aforesaid.

Payments to be made to Receiver.

455. There shall be paid to all Receivers appointed under this Act the Expenses properly incurred by them in the Performance of their Duties, and also in respect of the several Matters specified in the Table marked V. in the Schedule hereto, such Fees, not exceeding the Amounts therein mentioned, as may from Time to Time be directed by the Board of Trade; and the Receiver shall have the same Lien and be entitled to the same Remedies for the Recovery of such Expenses and Fees as a Salvor has or is entitled to in respect of Salvage due to him; but, save as aforesaid, no Receiver appointed under this Act shall, as such, be entitled to any Remuneration whatsoever.

Disputes as to Sums payable to Receiver to be determined by Board of Trade.

456. Whenever any Dispute arises in any Part of the United Kingdom as to the Amount payable to any Receiver in respect of Expenses or Fees, such Dispute shall be determined by the Board of Trade, whose Decision shall be final.

Application of Fees.

457. All Fees received by any Receiver appointed under this Act, in respect of any Services performed by him as Receiver, shall be carried to and form Part of the Mercantile Marine Fund, and a separate Account thereof shall be kept, and the Monies arising therefrom shall be applied in defraying any Expenses duly incurred in carrying into effect the Purposes of the Eighth Part of this Act, in such Manner as the Board of Trade directs.

Salvage in the United Kingdom.

Salvage in the United Kingdom.

Salvage in respect of Services rendered in the United Kingdom.

458. In the following Cases, (that is to say,)

Whenever any Ship or Boat is stranded or otherwise in Distress on the Shore of any Sea or Tidal Water situate within the Limits of the United Kingdom, and Services are rendered by any Person,

(1.) In assisting such Ship or Boat;

(2.) In saving the Lives of the Persons belonging to such Ship or Boat;

(3.) In saving the Cargo or Apparel of such Ship or Boat, or any Portion thereof;

And whenever any Wreck is saved by any Person other than a Receiver within the United Kingdom;

There shall be payable by the Owners of such Ship or Boat, Cargo, Apparel, or Wreck, to the Person by whom such Services or any of them are rendered or by whom such Wreck is saved, a reasonable Amount of Salvage, together with all Expenses properly incurred by him in the Performance of such Services or the saving of such Wreck, the Amount of such Salvage and Expenses (which Expenses are hereinafter included under the Term Salvage) to be determined in case of Dispute in manner herein-after mentioned.

Salvage for Life may be paid by Board of Trade out of Mercantile Marine Fund.

459. Salvage in respect of the Preservation of the Life or Lives of any Person or Persons belonging to any such Ship or Boat as aforesaid shall be payable by the Owners of the Ship or Boat in priority to all other Claims for Salvage; and in Cases where such Ship or Boat is destroyed, or where the Value thereof is insufficient, after Payment of the actual Expenses incurred, to pay the Amount of Salvage due in respect of any Life or Lives, the Board of Trade may in its Discretion award to the Salvors of such Life or Lives out of the Mercantile Marine Fund such Sum or Sums as it deems fit, in whole or part Satisfaction of any Amount of Salvage so left unpaid in respect of such Life or Lives.

Disputes as to Salvage how to be settled.

460. Disputes with respect to Salvage arising within the Boundaries of the Cinque Ports shall be determined in the Manner in which the same have hitherto been determined; but whenever any Dispute arises elsewhere in the United Kingdom between the Owners of any such Ship, Boat, Cargo, Apparel, or Wreck as aforesaid, and the Salvors, as to the Amount of Salvage, and the Parties to the Dispute cannot agree as to the Settlement thereof by Arbitration or otherwise,

Then, if the Sum claimed does not exceed Two hundred Pounds,

Such Dispute shall be referred to the Arbitration of any Two Justices of the Peace resident as follows; (that is to say,)

In case of Wreck, resident at or near the Place where such Wreck is found:

In

Salvage in the United Kingdom.

In case of Services rendered to any Ship or Boat, or to the Persons, Cargo, or Apparel belonging thereto, resident at or near the Place where such Ship or Boat is lying, or at or near the First Port or Place in the United Kingdom into which such Ship or Boat is brought after the Occurrence of the Accident by reason whereof the Claim to Salvage arises:

But if the Sum claimed exceeds Two hundred Pounds,

Such Dispute may, with the Consent of the Parties, be referred to the Arbitration of such Justices as aforesaid, but if they do not consent shall in *England* be decided by the High Court of Admiralty of *England*, in *Ireland* by the High Court of Admiralty of *Ireland*, and in *Scotland* by the Court of Session; subject to this Proviso, that if the Claimants in such Dispute do not recover in such Court of Admiralty or Court of Session a greater Sum than Two hundred Pounds, they shall not, unless the Court certifies that the Case is a fit one to be tried in a Superior Court, recover any Costs, Charges, or Expenses incurred by them in the Prosecution of their Claim:

And every Dispute with respect to Salvage may be heard and adjudicated upon on the Application either of the Salvor or of the Owner of the Property salved, or of their respective Agents.

Manner in which Justices may decide Disputes.

461. Whenever in pursuance of this Act any Dispute as to Salvage is referred to the Arbitration of Two Justices, they may either themselves determine the same, with Power to call to their Assistance any Person conversant with Maritime Affairs as Assessor, or they may if a Difference of Opinion arises between them, or without such Difference, if they think fit, appoint some Person conversant with Maritime Affairs as Umpire to decide the Point in dispute; and such Justices or their Umpire shall make an Award as to the Amount of Salvage payable, within the following Times, that is to say, the said Justices within Forty-eight Hours after such Dispute has been referred to them, and the said Umpire within Forty-eight Hours after his Appointment, with Power nevertheless for such Justices or Umpire by Writing under their or his Hands or Hand to extend the Time within which they and he are hereby respectively directed to make their or his Award.

Costs of Arbitration.

462. There shall be paid to every Assessor and Umpire who may be so appointed as aforesaid in respect of his Services such Sum not exceeding Five Pounds as the Board of Trade may from Time to Time direct; and all the Costs of such Arbitration, including any such Payments as aforesaid, shall be paid by the Parties to the Dispute, in such Manner and in such Shares and Proportions as the said Justices or as the said Umpire may direct by their or his Award.

Justices may call for Documents, and administer Oaths.

463. The said Justices or their Umpire may call for the Production of any Documents in the Possession or Power of either Party, which

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which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Appeal to Courts of Admiralty.

464. If any Person is aggrieved by the Award made by such Justices or such Umpire as aforesaid, he may in *England* appeal to the High Court of Admiralty of *England*, in *Ireland* to the High Court of Admiralty of *Ireland*, and in *Scotland* to the Court of Session; but no such Appeal shall be allowed unless the Sum in dispute exceeds Fifty Pounds, nor unless within Ten Days after the Date of the Award the Appellant gives Notice to the Justices to whom the Matter was referred of his Intention to appeal, nor unless the Appellant proceeds to take out a Monition, or to take such other Proceeding as according to the Practice of the Court of Appeal is necessary for the Institution of an Appeal, within Twenty Days from the Date of the Award.

Justices to transmit Copy of Proceedings and Certificate of Value to Court of Appeal.

465. Whenever any Appeal is made in manner herein-before provided, the Justices shall transmit to the proper Officer of the Court of Appeal a Copy on unstamped Paper certified under their Hands to be a true Copy of the Proceedings had before such Justices or their Umpire, if any, and of the Award so made by them or him, accompanied with their or his Certificate in Writing of the gross Value of the Article respecting which Salvage is claimed; and such Copy and Certificate shall be admitted in the Court of Appeal as Evidence in the Cause.

Payment of Salvage, to whom to be made in case of Dispute as to Apportionment.

466. Whenever the aggregate Amount of Salvage payable in respect of Salvage Services rendered in the United Kingdom has been finally ascertained either by Agreement or by the Award of such Justices or their Umpire, but a Dispute arises as to the Apportionment thereof amongst several Claimants, then, if the Amount does not exceed Two hundred Pounds, it shall be lawful for the Party liable to pay the Amount so due to apply to the Receiver of the District for Liberty to pay the Amount so ascertained to him; and he shall, if he thinks fit, receive the same accordingly, and grant a Certificate under his Hand, stating the Fact of such Payment and the Services in respect of which it is made; and such Certificate shall be a full Discharge and Indemnity to the Person or Persons to whom it is given, and to their Ship, Boats, Cargo, Apparel, and Effects, against the Claims of all Persons whomsoever in respect of the Services therein mentioned; but if the Amount exceeds Two hundred Pounds, it shall be apportioned in manner herein-after mentioned.

Apportionment of Salvage.

467. Upon the Receipt of any such Amount as aforesaid the Receiver shall with all convenient Speed proceed to distribute the same among the several Persons entitled thereto, upon such Evidence and in such Shares and Proportions as he thinks fit, with Power to retain any Monies that may appear to him to be payable

to

to any absent Parties; but any Distribution made in pursuance of this Section shall be final and conclusive against the Rights of all Persons claiming to be entitled to any Portion of the Monies so distributed.

Salvage in the United Kingdom.

468. Whenever any Salvage is due to any Person under this Act, the Receiver shall act as follows; (that is to say,)

Manner of enforcing Payment of Salvage.

(1.) If the same is due in respect of Services rendered in assisting any Ship or Boat, or in saving the Lives of Persons belonging to the same, or the Cargo or Apparel thereof,

He shall detain such Ship or Boat and the Cargo and Apparel belonging thereto until Payment is made, or Process has been issued by some competent Court for the Detention of such Ship, Boat, Cargo, or Apparel:

(2.) If the same is due in respect of the saving of any Wreck, and such Wreck is not sold as unclaimed in pursuance of the Provisions herein-after contained,

He shall detain such Wreck until Payment is made, or Process has been issued in manner aforesaid:

But it shall be lawful for the Receiver, if at any Time previously to the Issue of such Process Security is given to his Satisfaction for the Amount of Salvage due, to release from his Custody any Ship, Boat, Cargo, Apparel, or Wreck so detained by him as aforesaid; and in Cases where the Claim for Salvage exceeds Two hundred Pounds it shall be lawful in *England* for the High Court of Admiralty of *England*, in *Ireland* for the High Court of Admiralty of *Ireland*, and in *Scotland* for the Court of Session, to determine any Question that may arise concerning the Amount of the Security to be given or the Sufficiency of the Sureties; and in all Cases where Bond or other Security is given to the Receiver for an Amount exceeding Two hundred Pounds it shall be lawful for the Salvor or for the Owner of the Property salved, or their respective Agents, to institute Proceedings in such last-mentioned Courts for the Purpose of having the Questions arising between them adjudicated upon, and the said Courts may enforce Payment of the said Bond or other Security, in the same Manner as if Bail had been given in the said Courts.

469. Whenever any Ship, Boat, Cargo, Apparel, or Wreck is detained by any Receiver for Nonpayment of any Sums so due as aforesaid, and the Parties liable to pay the same are aware of such Detention, then, in the following Cases, that is to say,

Power of Receiver to sell Property salved in Cases of Nonpayment.

(1.) In Cases where the Amount is not disputed, and Payment thereof is not made within Twenty Days after the same has become due;

(2.) In Cases where the Amount is disputed, but no Appeal lies from the First Tribunal to which the Dispute is referred, and Payment thereof is not made within Twenty Days after the Decision of such First Tribunal;

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(3.) In Cases where the Amount is disputed, and an Appeal lies from the Decision of the First Tribunal to some other Tribunal, and Payment thereof is not made within such Twenty Days as last aforesaid, or such Monition as herein-before mentioned is not taken out within such Twenty Days, or such other Proceedings as are according to the Practice of such other Tribunal necessary for the Prosecution of an Appeal are not instituted within such Twenty Days;

The Receiver may forthwith sell such Ship, Boat, Cargo, Apparel, or Wreck, or a sufficient Part thereof, and out of the Proceeds of the Sale, after Payment of all Expenses thereof, defray all Sums of Money due in respect of Expenses, Fees, and Salvage, paying the Surplus, if any, to the Owners of the Property sold, or other the Parties entitled to receive the same.

Subject to Payment of Expenses, Fees, and Salvage, Owner entitled to Wreck.

470. Subject to the Payment of such Expenses, Fees, and Salvage as aforesaid, the Owner of any Wreck who establishes his Claim thereto to the Satisfaction of the Receiver within One Year from the Date at which such Wreck has come into the Possession of the Receiver, shall be entitled to have the same delivered up to him.

Unclaimed Wreck in the United Kingdom.

Receiver to deliver up Possession of unclaimed Wreck to Lord of Manor or other Person entitled.

471. In the event of no Owner establishing a Claim to Wreck found in any Place in the United Kingdom before the Expiration of a Year from the Date at which the same has come into the Possession of the Receiver, then, if any such Admiral, Vice-Admiral, Lord of any Manor, or other Person as aforesaid has given Notice to and has proved to the Satisfaction of the Receiver that he is entitled to Wreck found at such Place, the Receiver shall, upon Payment of all Expenses, Fees, and Salvage due in respect of such Wreck, deliver up Possession thereof to such Admiral, Vice-Admiral, Lord of the Manor or other Person; and in case of Dispute as to the Amount of the Sums so payable, and also in case of Default being made in Payment thereof, such Dispute shall be determined and Payment enforced in the Manner in which such Amount and Payment is hereby directed to be determined and enforced in Cases where any Owner establishes his Claim to Wreck.

Disputed Title to Wreck how to be decided

472. If any Dispute arises between the Receiver and any such Admiral, Vice-Admiral, Lord of any Manor, or other Person as aforesaid as to the Validity of his Title to Wreck, or if divers Persons claim to be entitled to Wreck found at the same Place, the Matter in dispute may be decided by Two Justices in the same Manner in which Disputes as to Salvage coming within the Jurisdiction of Justices are herein-before directed to be determined.

Appeal from Decision of Justices.

473. If any Party to such Dispute is unwilling to refer the same to Two Justices, or, having so referred the same, is dissatisfied with their

their Decision, he may within Three Months from the Expiration of such Year as aforesaid or from the Date of such Decision as aforesaid, as the Case may be, take such Proceedings as he may be advised in any Court of Law, Equity, or Admiralty having Jurisdiction in the Matter, for establishing his Title.

Unclaimed Wreck in the United Kingdom.

474. The Board of Trade shall have Power, with the Consent of the Treasury, out of the Revenue arising under the Eighth Part of this Act, for and on behalf of Her Majesty, Her Heirs and Successors, to purchase all such Rights to Wreck as may be possessed by any Person or Body Corporate, other than Her Majesty; and for the Purpose of facilitating such Purchases the Provisions of the "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation (*Scotland*) Act, 1845," relating to the Purchase of Lands by Agreement, shall be incorporated with this Act; and in the Construction of this Act and the said incorporated Acts this Act shall be considered to be the "Special Act;" and any such Rights to Wreck as aforesaid shall be considered as an Interest in Land authorized to be taken by the Special Act, and Her Majesty, Her Heirs and Successors, shall be considered as the Promoters of the Undertaking.

Power of the Board of Trade on behalf of the Crown to purchase Rights to Wreck.

475. If no Owner establishes his Claim to Wreck found at any Place before the Expiration of such Period of a Year as aforesaid, and if no Admiral, Vice-Admiral, Lord of any Manor, or Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled to such Wreck, the Receiver shall forthwith sell the same, and after Payment of all Expenses attending such Sale, and deducting therefrom his Fees, and all Expenses (if any) incurred by him, and paying to the Salvors such Amount of Salvage as the Board of Trade may in each Case or by any general Rule determine, pay the same into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and the same shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Unclaimed Wreck to be sold

Jurisdiction of the High Court of Admiralty.

476. Subject to the Provisions of this Act, the High Court of Admiralty shall have Jurisdiction to decide upon all Claims whatsoever relating to Salvage, whether the Services in respect of which Salvage is claimed were performed upon the High Seas, or within the Body of any County, or partly in one Place and partly in the other, and whether the Wreck is found at Sea or cast upon the Land, or partly in the Sea and partly on Land.

High Court of Admiralty may decide on all Salvage Cases, whether on Sea or Land.

Offences in respect of Wreck.

477. Whenever any Ship or Boat is stranded or otherwise in Distress on or near the Shore of any Sea or Tidal Water in the United Kingdom, and such Ship or Boat, or any Part of the Cargo or Apparel thereof, is plundered, damaged, or destroyed by any

Offences in respect of Wreck.

In case of Ship wrecked being plundered by a tumultuous

Offences in respect of Wreck.

Assemblage the Hundred to be liable for Damages.

any Persons riotously and tumultuously assembled together, whether on shore or afloat, full Compensation shall be made to the Owner of such Ship, Boat, Cargo, or Apparel, as follows; (that is to say,)

In *England* by the Inhabitants of the Hundred, Wapentake, Ward, or District in the Nature of a Hundred, by whatever Name denominated, in or nearest to which the said Offence is committed, in manner provided by an Act of the Eighth Year of the Reign of King *George* the Fourth, Chapter Thirty-one, in case of the Destruction of Churches and other Buildings by a riotous Assemblage, or as near thereto as Circumstances permit:

7 & 8 G. 4. c. 31.

In *Ireland* by the Inhabitants of the County, County of a City or Town, Barony, Town or Towns, Parish or Parishes, in or nearest to which such Offence is committed, in manner provided by an Act of the Fourth Year of the Reign of King *William* the Fourth, Chapter Thirty-seven, for the Recovery of Satisfaction and Amends for the malicious Demolition of or Injury to Churches, Chapels, and other Buildings used for Religious Worship, according to the Usage of the United Church of *England* and *Ireland*, or as near thereto as Circumstances permit:

3 & 4 W. 4. c. 37. s. 72.

In *Scotland*, by the Inhabitants of the County, City, or Borough in or nearest to which such Offence is committed, in manner provided by an Act of the First Year of King *George* the First, Statute Two, Chapter Five, with respect to Prosecutions for repairing the Damages of any Churches and other Buildings, or as near thereto as Circumstances permit.

1 G. 1. st. 2. c. 5.

Penalty for plundering in Cases of Shipwreck, for obstructing the saving of shipwrecked Property, and for secreting the same.

478. Every Person who does any of the following Acts, (that is to say,)

(1.) Wrongfully carries away or removes any Part of any Ship or Boat stranded or in danger of being stranded or otherwise in distress on or near the Shore of any Sea or Tidal Water, or any Part of the Cargo or Apparel thereof, or any Wreck; or

(2.) Endeavours in any way to impede or hinder the saving of such Ship, Boat, Cargo, Apparel, or Wreck; or

(3.) Secretes any Wreck, or obliterates or defaces any Marks thereon;

Shall, in addition to any other Penalty or Punishment he may be subject to under this or any other Act or Law, for each such Offence incur a Penalty not exceeding Fifty Pounds; and every Person, not being a Receiver or a Person herein-before authorized to take the Command in Cases of Ships being stranded or in Distress, or not acting under the Orders of such Receiver or Person, who, without the Leave of the Master, endeavours to board any such Ship or Boat as aforesaid, shall for each Offence incur a Penalty not exceeding Fifty Pounds; and it shall be lawful for the Master of such Ship or Boat to repel by Force any such Person so attempting to board the same.

479. If

479. If any Person takes into any Foreign Port or Place any Ship or Boat stranded, derelict, or otherwise in Distress on or near the Shore of the Sea or of any Tidal Water situate within the Limits of the United Kingdom, or any Part of the Cargo or Apparel thereof, or anything belonging thereto, or any Wreck found within such Limits as aforesaid, and there sells the same, he shall be guilty of Felony, and be subject to penal Servitude for a Term not exceeding Four Years.

Penalty for selling Wreck in Foreign Ports.

Dealers in Marine Stores and Manufacturers of Anchors.

Dealers in Marine Stores and Manufacturers of Anchors.

480. Every Person dealing in buying and selling Anchors, Cables, Sails, or old Junk, old Iron, or Marine Stores of any Description, shall conform to the following Regulations; (that is to say,)

Regulations to be observed by Dealers in Marine Stores.

(1.) He shall have his Name, together with the Words "Dealer in Marine Stores," painted distinctly in Letters of not less than Six Inches in Length on every Warehouse or other Place of Deposit belonging to him;

If he does not he shall incur a Penalty not exceeding Twenty Pounds:

(2.) He shall keep a Book or Books, fairly written, and shall enter therein an Account of all such Marine Stores as he may from Time to Time become possessed of, stating, in respect of each Article, the Time at which and the Person from whom he purchased or received the same, adding, in the Case of every such last-mentioned Person, a Description of his Business and Place of Abode;

If he does not he shall incur for the First Offence a Penalty not exceeding Twenty Pounds, and for every subsequent Offence a Penalty not exceeding Fifty Pounds:

(3.) He shall not, by himself or his Agents, purchase Marine Stores of any Description from any Person apparently under the Age of Sixteen Years;

If he does so he shall incur for the First Offence a Penalty not exceeding Five Pounds, and for every subsequent Offence a Penalty not exceeding Twenty Pounds:

(4.) He shall not cut up any Cable, or any similar Article, exceeding Five Fathoms in Length, or unlay the same into Twine or Paper Stuff, on any Pretence whatever, without obtaining such Permit and publishing such Notice of his having so obtained the same as is herein-after mentioned;

If he does so he shall incur for the First Offence a Penalty not exceeding Twenty Pounds, and for every subsequent Offence a Penalty not exceeding Fifty Pounds.

481. In order to obtain such Permit as aforesaid a Dealer in Marine Stores shall make a Declaration before some Justice of the Peace having Jurisdiction over the Place where such Dealer resides containing the following Particulars; (that is to say,)

Manner of obtaining Permit to cut up Cables.

Dealers in Marine Stores and Manufacturers of Anchors.

(1.) A Statement of the Quality and Description of the Cable or other like Article about to be cut up or unlaid:

(2.) A Statement that he purchased or otherwise acquired the same *bonâ fide* and without Fraud, and without any Knowledge or Suspicion that the same had been come by dishonestly:

(3.) A Statement of the Name and Description of the Person from whom he purchased or received the same:

And it shall be lawful for the Justice before whom any such Declaration is made, or for the Receiver of the District in which such Dealer in Marine Stores resides, upon the Production of any such Declaration as aforesaid, to grant a Permit authorizing him to cut up or unlay such Cable or other like Article.

Permit to be advertised before Dealer proceeds to act thereon.

482. No Dealer in Marine Stores who has obtained such Permit as aforesaid shall proceed by virtue thereof to cut up or unlay any Cable or other like Article until he has for the Space of One Week at the least before doing any such Act published in some Newspaper published nearest to the Place where he resides One or more Advertisements notifying the Fact of his having so obtained a Permit, and specifying the Nature of the Cable or other Article mentioned in the Permit, and the Place where the same is deposited, and the Time at which the same is intended to be so cut up or unlaid; and if any Person suspects or believes that such Cable or other Article is his Property, he may apply to any Justice of the Peace for a Warrant; and such Justice of the Peace may, on the Applicant making Oath, or, if a Person entitled to make an Affirmation, making an Affirmation in support of such his Suspicion or Belief, grant a Warrant by virtue whereof the Applicant shall be entitled to require the Production by such Dealer as aforesaid of the Cable or other Article mentioned in the Permit, and also of the Book of Entries herein-before directed to be kept by every Dealer in Marine Stores; and, upon such Cable or other Article and Book of Entries being produced, to inspect and examine the same; and if any Dealer in Marine Stores makes default in complying with any of the Provisions of this Section, he shall for the First Offence incur a Penalty not exceeding Twenty Pounds, and for every subsequent Offence a Penalty not exceeding Fifty Pounds.

Manufacturers to place Marks on Anchors.

483. Every Manufacturer of Anchors shall, in case of each Anchor which he manufactures, mark in legible Characters on the Crown and also on the Shank under the Stock his Name or Initials, with the Addition of a progressive Number and the Weight of such Anchor; and if he makes default in doing so he shall for each Offence incur a Penalty not exceeding Five Pounds.

Salvage by H M Ships.

Salvage by Her Majesty's Ships.

No Claim for Salvage Services to be

484. In Cases where Salvage Services are rendered by any Ship belonging to Her Majesty or by the Commander or Crew thereof, no Claim

Claim shall be made or allowed for any Loss, Damage, or Risk thereby caused to such Ship, or to the Stores, Tackle, or Furniture thereof, or for the Use of any Stores or other Articles belonging to Her Majesty supplied in order to effect such Services, or for any other Expense or Loss sustained by Her Majesty by reason of such Services.

Salvage by H. M. Ships.

allowed in respect of Loss or Risk of Her Majesty's Ships or Property.

485. No Claim whatever on account of any Salvage Services rendered to any Ship or Cargo or to any Appurtenances of any Ship by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships shall be finally adjudicated upon unless the Consent of the Admiralty has first been obtained, such Consent to be signified by Writing under the Hand of the Secretary to the Admiralty; and if any Person who has originated Proceedings in respect of any such Claim fails to prove such Consent to the Satisfaction of the Court, his Suit shall stand dismissed and he shall pay all the Costs of such Proceedings; provided that any Document purporting to give such Consent and to be signed by the Secretary to the Admiralty shall be *primâ facie* Evidence of such Consent having been given.

Claims for Salvage by Her Majesty's Officers not to be determined without Consent of Admiralty.

486. Whenever Services for which Salvage is claimed are rendered to any Ship or Cargo, or to any Part of any Ship or Cargo, or to any Appurtenances of any Ship, at any Place out of the United Kingdom and the Four Seas adjoining thereto, by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, the Property alleged to be salved shall, if the Salvor is justified by the Circumstances of the Case in detaining it at all, be taken to some Port where there is either a Consular Officer or a Vice-Admiralty Court; and within Twenty-four Hours after arriving at such Port the said Salvor and the Master or other Person in charge of the Property alleged to be salved shall each deliver to the Consular Officer or Vice-Admiralty Judge there a Statement verified on Oath, specifying, so far as they respectively can, and so far as the Particulars required apply to the Case,

Steps to be taken when Salvage Services have been rendered by Her Majesty's Ships abroad.

(1.) The Place, Condition, and Circumstances in which the said Ship, Cargo, or Property was at the Time when the Services were rendered for which Salvage is claimed:

(2.) The Nature and Duration of the Services rendered:

And the Salvor shall add to his Statement,

(3.) The Proportion of the Value of the said Ship, Cargo, and Property, and of the Freight which he claims for Salvage, or the Values at which he estimates the said Ship, Freight, Cargo, and Property respectively, and the several Amounts that he claims for Salvage in respect of the same:

(4.) Any other Circumstances he thinks relevant to the said Claim:

And the said Master or other Person in charge of the said Ship, Cargo, or Property shall add to his Statement,

(3.) A Copy of the Certificate of Registry of the said Ship, and of the Indorsements thereon, stating any Change which (to his Knowledge

Salvage by H. M. Ships.

Knowledge or Belief) has occurred in the Particulars contained in such Certificate; and stating also, to the best of his Knowledge and Belief, the State of the Title to the Ship for the Time being, and of the Incumbrances and Certificates of Mortgage or Sale, if any, affecting the same, and the Names and Places of Business of the Owners and Incumbrancers:

(4.) The Name and Place of Business or Residence of the Freighter (if any) of the said Ship, and the Freight to be paid for the Voyage she is then on:

(5.) A general Account of the Quantity and Nature of the Cargo at the Time the Salvage Services were rendered:

(6.) The Name and Place of Business or Residence of the Owner of such Cargo and of the Consignee thereof:

(7.) The Values at which the said Master estimates the said Ship, Cargo, and Property, and the Freight respectively, or, if he thinks fit, in lieu of such estimated Value of the Cargo, a Copy of the Ship's Manifest:

(8.) The Amounts which the Master thinks should be paid as Salvage for the Services rendered:

(9.) An accurate List of the Property saved, in Cases where the Ship is not saved:

(10.) An Account of the Proceeds of the Sale of the said Ship, Cargo, or Property, in Cases where the same or any of them are sold at such Port as aforesaid:

(11.) The Number, Capacities, and Condition of the Crew of the said Ship at the Time the said Services were rendered:

(12.) Any other Circumstances he thinks relevant to the Matters in question:

(13.) A Statement of his Willingness to execute a Bond, in the Form in the Table marked W. in the Schedule hereto, in such Amount as the said Consular Officer or Vice-Admiralty Judge may fix.

Consular Officer or Judge to fix Amount for which a Bond is to be given.

487. The said Consular Officer or Judge, as the Case may be, shall within Four Days after receiving the aforesaid Statements fix the Amount to be inserted in the said Bond at such Sum as he thinks sufficient to answer the Demand for the Salvage Services rendered; but such Sum shall not exceed One Half of the Value which in his Estimation the said Ship, Freight, and Cargo, or any Parts thereof in respect of which Salvage is claimed, are worth; and the said Consular Officer or Judge may, if either of the aforesaid Statements is not delivered to him within the Time hereby required, proceed *ex parte*, but he shall in no Case under this Act require the Cargo to be unladen; and the said Consular Officer may in any Proceeding under this Act relating to Salvage take Affidavits and receive Affirmations.

On Master executing Bond, the

488. The said Consular Officer or Judge shall send Notice of the Sum which he has so fixed as aforesaid to the said Salvor and the said

said Master; and upon such Master executing a Bond in such Form as aforesaid, with the said Sum inserted therein, in the Presence of the said Officer or Judge (who shall attest the same), and delivering the same to the said Salvor, the Right of the said Salvor to detain or retain Possession of the said Ship, Cargo, or Property, or any of them, in respect of the said Salvage Claim, shall cease.

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Right of Detention to cease.

489. If the Ship, Cargo, or Property in respect of which the Claim for Salvage is made is not owned by Persons domiciled in Her Majesty's Dominions, the Right of the Salvor to detain or retain Possession thereof shall not cease unless the Master procures, in addition to the said Bond, such Security for the due Performance of the Conditions thereof as the said Officer or Judge considers sufficient for the Purpose, and places the same in the Possession or Custody of the said Officer or Judge, or, if the Salvor so desires, in the Possession or Custody of the said Officer or Judge jointly with any other Person whom the said Salvor appoints for the Purpose.

Provision for additional Security in the Case of Ships owned by Persons resident out of Her Majesty's Dominions.

490. The said Consular Officer or Judge shall at the earliest Opportunity transmit the said Statements and Documents so sent to him as aforesaid, and a Notice of the Sum he has so fixed as aforesaid, to the High Court of Admiralty of *England*, or if the said Salvor and the said Master or other Person in charge as aforesaid agree that the said Bond shall be adjudicated upon by any Vice-Admiralty Court, to such Court.

Documents to be sent to England.

491. The said Bond shall bind the respective Owners of the said Ship, Freight, and Cargo, and their respective Heirs, Executors, and Administrators, for the Salvage adjudged to be payable in respect of the said Ship, Freight, and Cargo respectively.

Whom the Bond shall bind.

492. The said Bond shall be adjudicated on and enforced by the High Court of Admiralty in *England*, or if the said Salvor and Master at the Time of the Execution of the said Bond agree upon any Vice-Admiralty Court, then by such Vice-Admiralty Court; and any such Vice-Admiralty Court may in every Proceeding under this Act have and exercise all Powers and Authorities whatsoever which the said High Court of Admiralty now has or at any Time may have in any Proceeding whatsoever before it; and in Cases where any Security for the due Performance of the Conditions of the said Bond has been placed in the Possession or Custody of the said Consular Officer or Vice-Admiralty Judge or of such Officer or Judge jointly with any other Person, the Person or Persons having the Custody of such Security shall respectively deal with the same in such Manner as the Court that adjudicates on the Bond directs.

Court in which it is to be adjudicated on.

493. The said High Court of Admiralty shall have Power to enforce any Bond given in pursuance of this Act in any Vice-Admiralty Court in any Part of Her Majesty's Dominions; and all Courts in *Scotland*,

Power of High Court of Admiralty to enforce Bonds.

Salvage by H. M. Ships

Scotland, *Ireland*, and the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man* exercising Admiralty Jurisdiction shall, upon Application, aid and assist the High Court of Admiralty in enforcing the said Bonds.

Saving Clause.

494. Any such Salvor as aforesaid of any Ship, Cargo, or Property who elects not to proceed under this Act shall have no Power to detain the said Ship, Cargo, or Property, but may proceed otherwise for the Enforcement of his Salvage Claim as if this Act had not been passed; and nothing in this Act contained shall abridge or affect the Rights of Salvors, except in the Cases by it provided for.

Documents free from Duty.

495. All Bonds, Statements, Agreements, and other Documents made or executed in pursuance of the Eighth Part of this Act shall, if so made or executed out of the United Kingdom, be exempt from Stamp Duty.

Punishment for Forgery and false Representations.

496. Every Person who, in any Proceeding under Provisions contained in the Eighth Part of this Act relating to Salvage by Her Majesty's Ships, forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document, and every Person who in any such Proceeding puts off or makes use of any such forged or altered Document, knowing the same to be so forged or altered, or who in any such Proceeding gives or makes, or assists in giving or making, or procures to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Imprisonment, with or without Hard Labour, for any Period not exceeding Two Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

Salvage (General)

Salvage, General.

Voluntary Agreement may be made which shall have the same Effect as the Bond above mentioned.

497. Whenever Services for which Salvage is claimed are rendered either by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, or of any other Ship, and the Salvor voluntarily agrees to abandon his Lien upon the Ship, Cargo, and Property alleged to be salved, upon the Master or other Person in charge thereof entering into a written Agreement attested by Two Witnesses to abide the Decision of the said High Court of Admiralty or of any Vice-Admiralty Court, and thereby giving Security in that Behalf to such Amount as may be agreed on by the Parties to the said Agreement, such Agreement shall bind the said Ship and the said Cargo and the Freight payable therefor respectively, and the respective Owners of the said Ship, Freight, and Cargo for the Time being, and their respective Heirs, Executors, and Administrators, for the Salvage which may be adjudged to be payable in respect of the said Ship, Cargo,

Cargo, and Freight respectively to the Extent of the Security so given as aforesaid, and may be adjudicated upon and enforced in the same Manner as the Bonds provided for by the Eighth Part of this Act, in the Case of Detention for Salvage Services rendered by Her Majesty's Ships; and upon such Agreement being made the Salvor and the Master or other Person in charge as aforesaid shall respectively make such Statements as are herein-before required to be made by them in case of a Bond being given, except that such Statements need not be made upon Oath; and the Salvor shall, as soon as practicable, transmit the said Agreement and the said Statements to the Court in which the said Agreement is to be adjudicated upon.

Salvage (General).

498. Whenever the aggregate Amount of Salvage payable in respect of Salvage Services rendered in the United Kingdom has been finally ascertained, and exceeds Two hundred Pounds, and whenever the aggregate Amount of Salvage payable in respect of Salvage Services rendered elsewhere has been finally ascertained, whatever such Amount may be, then if any Delay or Dispute arises as to the Apportionment thereof, any Court having Admiralty Jurisdiction may cause the same to be apportioned amongst the Persons entitled thereto in such Manner as it thinks just; and may for that Purpose, if it thinks fit, appoint any Person to carry such Apportionment into effect, and may compel any Person in whose Hands or under whose Control such Amount may be to distribute the same, or to bring the same into Court, to be there dealt with as the Court may direct, and may for the Purposes aforesaid issue such Monitions or other Processes as it thinks fit.

Powers for Courts having Admiralty Jurisdiction to apportion Salvage.

Miscellaneous.

Miscellaneous.

499. All Wreck, being Foreign Goods brought or coming into the United Kingdom or the *Isle of Man*, shall be subject to the same Duties as if the same were imported into the United Kingdom or the *Isle of Man* respectively; and if any Question arises as to the Origin of such Goods, they shall be deemed to be the Produce of such Country as the Commissioners of Customs may upon Investigation determine.

Foreign Goods found derelict to be subject to the same Duties as on Importation.

500. The Commissioners of Customs and Excise shall permit all Goods, Wares, and Merchandise saved from any Ship stranded or wrecked on its Homeward Voyage to be forwarded to the Port of its original Destination, and all Goods, Wares, and Merchandise saved from any Ship stranded or wrecked on its Outward Voyage to be returned to the Port at which the same were shipped; but such Commissioners are to take Security for the due Protection of the Revenue in respect of such Goods, Wares, and Merchandise.

Goods saved from Ships wrecked to be forwarded to the Ports of their original Destination.

501. All

Provision as to certain Terms in Scotland.

501. All Matters and Things that may in pursuance of the Eighth Part of this Act be done by or to any Justice, or any Two Justices, may in *Scotland* be done also by or to the Sheriff of the County, including the Sheriff Substitute; and the Expression "Lord or Lady of a Manor" shall in the Eighth Part of this Act, so far as regards *Scotland*, include "Heritable Proprietor duly infeft."

PART IX.

LIABILITY OF SHIPOWNERS.

Application.

Application of Part IX. of Act.

502. The Ninth Part of this Act shall apply to the whole of Her Majesty's Dominions.

Limitation of Liability.

Owner not liable in respect of certain Articles.

503. No Owner of any Sea-going Ship or Share therein shall be liable to make good any Loss or Damage that may happen without his actual Fault or Privity of or to any of the following Things, (that is to say,)

(1.) Of or to any Goods, Merchandise, or other Things whatsoever taken in or put on board any such Ship, by reason of any Fire happening on board such Ship,

(2.) Of or to any Gold, Silver, Diamonds, Watches, Jewels, or Precious Stones taken in or put on board any such Ship, by reason of any Robbery, Embezzlement, making away with or secreting thereof, unless the Owner or Shipper thereof has, at the Time of shipping the same, inserted in his Bills of Lading or otherwise declared in Writing to the Master or Owner of such Ship the true Nature and Value of such Articles,

To any Extent whatever.

Measure of Owner's Liability.

504. No Owner of any Sea-going Ship or Share therein shall, in Cases where all or any of the following Events occur without his actual Fault or Privity, (that is to say,)

(1.) Where any Loss of Life or personal Injury is caused to any Person being carried in such Ship;

(2.) Where any Damage or Loss is caused to any Goods, Merchandise, or other Things whatsoever on board any such Ship;

(3.) Where any Loss of Life or personal Injury is by reason of the improper Navigation of such Sea-going Ship as aforesaid caused to any Person carried in any other Ship or Boat;

(4.) Where any Loss or Damage is by reason of any such improper Navigation of such Sea-going Ship as aforesaid caused to any other Ship or Boat, or to any Goods, Merchandise, or other Things whatsoever, on board any other Ship or Boat;

Limitation of Liability.

Be answerable in Damages to an Extent beyond the Value of his Ship and the Freight due or to grow due in respect of such Ship during the Voyage which at the Time of the happening of any such Events as aforesaid is in prosecution or contracted for, subject to the following Proviso, (that is to say,) that in no Case where any such Liability as aforesaid is incurred in respect of Loss of Life or personal Injury to any Passenger, shall the Value of any such Ship and the Freight thereof be taken to be less than Fifteen Pounds *per* registered Ton.

Value of Carriage of Goods and Passage Money to be considered as Freight.

505. For the Purposes of the Ninth Part of this Act, the Freight shall be deemed to include the Value of the Carriage of any Goods or Merchandise belonging to the Owners of the Ship, Passage Money, and also the Hire due or to grow due under or by virtue of any Contract, except only such Hire, in the Case of a Ship hired for Time, as may not begin to be earned until the Expiration of Six Months after such Loss or Damage.

Provision for separate Losses.

506. The Owner of every Sea-going Ship or Share therein shall be liable in respect of every such Loss of Life, personal Injury, Loss of or Damage to Goods as aforesaid arising on distinct Occasions to the same Extent as if no other Loss, Injury, or Damage had arisen.

Mode of Procedure.

Mode of Procedure.

In case of Loss of Life or personal Injury, Board of Trade may direct Proceedings.

507. Whenever any such Liability as aforesaid has been or is alleged to have been incurred in respect of Loss of Life or personal Injury, the Board of Trade may, in its Discretion, after giving not less than Three Days Notice by Post or otherwise to the Party to be made Defendant or Defender, by Warrant sealed with the Seal of such Board or signed by One of its Secretaries or Assistant Secretaries, require the Sheriff having Jurisdiction over any Place in the United Kingdom to summon a Jury at a Time and Place to be specified in such Warrant for the Purpose of determining the following Question; (that is to say,)

The Number, Names, and Descriptions of all Persons killed or injured by reason of any wrongful Act, Neglect, or Default

And upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at such Time and Place as aforesaid.

Either Party may require Question to be tried by a Special Jury.

508. If either Party to the Inquiry desire any such Question as aforesaid to be tried before a Special Jury, such Question shall be so tried, provided that Notice of such Desire, if coming from the other Party, is given to the Board of Trade before it has issued its Warrant to the Sheriff; and for that Purpose the Board of Trade shall, by its Warrant to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently

Mode of Proceeding.

may be after the Receipt by him of such Warrant, summon both the Parties to appear before him by themselves or their Attornies or Agents at some convenient Time and Place appointed by him for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries are required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day, and shall on the Day so appointed proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

Provisions for Conduct of Proceedings.

509. The following Provisions shall be applicable to the Conduct of Proceedings by the Board of Trade; (that is to say,)

(1.) The Sheriff shall preside at such Inquiry, and the Board of Trade shall be deemed in *England* and *Ireland* to be the Plaintiff, and in *Scotland* the Pursuer, both of which Terms are herein-after included in the Term Plaintiff, with Power to appoint any Agent to act on its Behalf, and shall have all such Rights and Privileges as the Plaintiff is entitled to in Actions at Law; and the Owner or Owners of the Ship or Ships by whom such Liability as last aforesaid is alleged to have been incurred shall be deemed in *England* and *Ireland* to be the Defendant, and in *Scotland* the Defender, both of which Terms are herein-after included in the Term Defendant:

(2.) Not less than Ten Days Notice of the Time and Place of the Inquiry shall be served by the Board of Trade on the Defendant:

(3.) Service on the Master of any Ship shall be deemed good Service on the Owner thereof, and the Master shall, in respect of the Proceedings on such Inquiry, be deemed the Agent and Representative of the Owner, with Power to appear for him on such Inquiry, and to do all Matters and Things which he might himself have done:

(4.) If the Defendant does not appear at the Time of such Inquiry, the same shall be proceeded with as if he had appeared, upon due Proof of Service of Notice having been made on him in pursuance of this Act:

(5.) The empannelling of the Jury and the summoning and Attendance of Witnesses shall be conducted and enforced in *England* and *Ireland* in manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation as to Land, and in *Scotland* in manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845, in like Cases, or as near thereto as Circumstances permit; and all Provisions in the said Acts having reference to Cases where any Question of disputed Compensation requires to be determined by the Verdict of a Jury

a Jury shall, with the requisite Alterations, be considered as incorporated with this Act, and to have reference to Cases where the Question of the Liability of any Owner in respect of any such Accident as aforesaid requires to be determined by the Verdict of a Jury: *Mode of Procedure.*

(6.) In *England* and *Ireland* the Sheriff shall, if the Board of Trade so requires, or if the Defendant so requires and the Board of Trade consents thereto, appoint as Assessor a Barrister-at-Law of competent Knowledge and Standing:

(7.) The Costs incurred by all Parties in and incidental to any such Inquiry as aforesaid shall in *England* and *Ireland* be taxed by the Master of One of Her Majesty's Superior Courts of Common Law as between Attorney and Client, and in *Scotland* by the Auditor of the Court of Session as between Agent and Client; and shall, if the Verdict in any Inquiry is in favour of the Plaintiff, be paid by the Defendant, but if such Verdict is in favour of the Defendant, be paid by the Board of Trade out of the Mercantile Marine Fund:

(8.) The Payment of all Damages and Costs in any such Inquiry as aforesaid shall, upon Application made to such Superior Court as aforesaid by the Party entitled thereto, be enforced by Rule or Order of such Court or a Judge thereof, or otherwise as such Court or Judge thinks fit:

(9.) The Board of Trade may make any Compromise it thinks fit as to the Damages payable in respect of personal Injury, or of the Death of any Person; and any Damages received in pursuance of such Compromise shall, so far as the same extend, be applied in the same Manner and be subject to the same Rules as if the same were Damages recovered on an Inquiry instituted by the Board of Trade.

510. The following Rules shall be observed as to the Damages recovered in any such Inquiry, and the Application thereof; (that is to say,) **Rules as to Damages and Application thereof.**

(1.) The Damages payable in each Case of Death or Injury shall be assessed at Thirty Pounds:

(2.) The Damages found due on any such Inquiry as aforesaid shall be the first Charge on the aggregate Amount for which the Owner is liable, and shall be paid thereout in Priority to all other Claims:

(3.) All such Damages as aforesaid shall be paid to Her Majesty's Paymaster General, and shall be distributed and dealt with by him in such Manner as the Board of Trade directs; and in directing such Distribution the Board of Trade shall have Power in the first place to deduct and retain any Costs incidental thereto; and in the next place, as regards the Sums paid in respect

Mode of Procedure.

respect of Injuries, shall direct Payment to each Person injured of such Compensation, not exceeding in any Case the statutory Amount, as the said Board thinks fit; and as regards the Sums paid in respect of Deaths shall direct Payment thereof for the Benefit of the Husband, Wife, Parent, and Child of the Deceased, or any of them, in such Shares, upon such Evidence, and in such Manner as the said Board thinks fit:

(4.) The Board of Trade shall refund to the Owner any Surplus remaining under its Control after making such Distribution as aforesaid, and the Sum so refunded shall form Part of the Residue herein-after mentioned:

(5.) The Board of Trade shall not, nor shall any Person acting under it, be liable to any Action, Suit, Account, Claim, or Demand whatsoever for or in respect of any Act or Matter done, or omitted to be done, in the Distribution of such Damages as aforesaid:

(6.) If the Amount paid to Her Majesty's Paymaster General in manner aforesaid is insufficient to meet the Demands upon it, the several Claims thereon shall abate proportionally.

Any Person who is dissatisfied with the Amount of statutory Damage may bring an Action on his own Account

511. After the Completion of such Inquiry as aforesaid, if any Person injured estimates the Damages payable in respect of such Injury, or if the Executor or Administrator of any deceased Person estimates the Damages payable in respect of his Death, at a greater Sum than such statutory Amount, or, in case of a Compromise having been made by the Board of Trade, than the Amount accepted by such Board by way of Compensation for such Injury or Death as aforesaid, the Person so estimating the same shall, upon repaying or obtaining the Repayment by the Board of Trade to the Owner of the Amount paid by him to the Board of Trade in respect of such Injury or Death, be at liberty to bring an Action for the Recovery of Damages in the same Manner as if no Power of instituting an Inquiry had herein-before been given to the Board of Trade, subject to the following Proviso; (that is to say,) that any Damages recoverable by such Person shall be payable only out of the Residue, if any, of the aggregate Amount, for which the Owner is liable, after deducting all Sums paid to Her Majesty's Paymaster General in manner aforesaid; and if the Damages recovered in such Action do not exceed double the statutory Amount, such Person shall pay to the Defendant in such Action all the Costs thereof, such Costs to be taxed in *England* and *Ireland* as between Attorney and Client, and in *Scotland* as between Agent and Client.

If Board of Trade decline to institute

512. In Cases where Loss of Life or personal Injury has occurred by any Accident in respect of which the Owner of any such Ship as aforesaid is or is alleged to be liable in Damages, no Person shall be entitled

entitled to bring any Action, or institute any Suit or other legal Proceeding in the United Kingdom, until the Completion of the Inquiry (if any) instituted by the Board of Trade, or until the Board of Trade has refused to institute the same; and the Board of Trade shall, for the Purpose of entitling any Person to bring an Action or institute a Suit or other legal Proceeding, be deemed to have refused to institute such Inquiry whenever Notice has been served on it by any Person of his Desire to bring such Action or institute such Suit or other legal Proceeding, and no Inquiry is instituted by the Board of Trade in respect of the Subject Matter of such intended Action, Suit, or Proceeding for the Space of One Month after the Service of such Notice.

Mode of Procedure.

Proceedings, Individuals may bring Actions.

513. Whenever the Board of Trade, having refused in manner aforesaid to institute any Inquiry, afterwards determines to institute the same, the Damages and Costs (if any) recovered on such Inquiry shall be payable rateably with and not in priority to the Costs and Damages recovered in any other Action, Suit, or legal Proceeding.

Proceedings by Board of Trade after Refusal.

514. In Cases where any Liability has been or is alleged to have been incurred by any Owner in respect of Loss of Life, personal Injury, or Loss of or Damage to Ships, Boats, or Goods, and several Claims are made or apprehended in respect of such Liability, then, subject to the Right herein-before given to the Board of Trade of recovering Damages in the United Kingdom in respect of Loss of Life or personal Injury, it shall be lawful in *England* or *Ireland* for the High Court of Chancery, and in *Scotland* for the Court of Session, and in any *British* Possession for any competent Court, to entertain Proceedings at the Suit of any Owner for the Purpose of determining the Amount of such Liability subject as aforesaid, and for the Distribution of such Amount rateably amongst the several Claimants, with Power for any such Court to stop all Actions and Suits pending in any other Court in relation to the same Subject Matter; and any Proceeding entertained by such Court of Chancery or Court of Session, or other competent Court, may be conducted in such Manner and subject to such Regulations as to making any Persons interested Parties to the same, and as to the Exclusion of any Claimants who do not come in within a certain Time, and as to requiring Security from the Owner, and as to Payment of Costs, as the Court thinks just.

Proceedings in case of several Claims being made on Owner of Ship.

515. All Sums of Money paid for or on account of any Loss or Damage in respect whereof the Liability of the Owners of any Ship is limited by the Ninth Part of this Act, and all Costs incurred in relation thereto, may be brought into account among Part Owners of the same Ship in the same Manner as Money disbursed for the Use thereof.

Money paid for Damage how to be accounted for between Part Owners.

Saving Clause.

Saving Clause.

Saving Clause.

516. Nothing in the Ninth Part of this Act contained shall be construed—

To lessen or take away any Liability to which any Master or Seaman, being also Owner or Part Owner of the Ship to which he belongs, is subject in his Capacity of Master or Seaman; or

To extend to any *British* Ship not being a recognized *British* Ship within the Meaning of this Act.

PART X.

LEGAL PROCEDURE.

Application.

Application of Part X. of the Act.

Application.

517. The Tenth Part of this Act shall in all Cases, where no particular Country is mentioned, apply to the whole of Her Majesty's Dominions.

Legal Procedure (General).

Legal Procedure (General).

Punishment of Offences, and Recovery of Penalties.

518. In all Places within Her Majesty's Dominions, except *Scotland*, the Offences herein-after mentioned shall be punished and Penalties recovered in manner following; (that is to say,)

(1.) Every Offence by this Act declared to be a Misdemeanor shall be punishable by Fine or Imprisonment, with or without Hard Labour; and the Court before which such Offence is tried may in *England* make the same Allowances and order Payment of the same Costs and Expenses as if such Misdemeanor had been enumerated in the Act passed in the Seventh Year of His late Majesty King *George* the Fourth, Chapter Sixty-four, or any other Act that may be passed for the like Purpose; and may in any other Part of Her Majesty's Dominions make such Allowances and order Payment of such Costs and Expenses (if any) as are payable or allowable upon the Trial of any Misdemeanor under any existing Act or Ordinance, or as may be payable or allowable under any Act or Law for the Time being in force therein:

7 G. 4. c. 64

(2.) Every Offence declared by this Act to be a Misdemeanor shall also be deemed to be an Offence hereby made punishable by Imprisonment for any Period not exceeding Six Months, with or without Hard Labour, or by a Penalty not exceeding One hundred Pounds, and may be prosecuted accordingly in a summary Manner instead of being prosecuted as a Misdemeanor:

(3.) Every Offence hereby made punishable by Imprisonment for any Period not exceeding Six Months, with or without Hard Labour, or by any Penalty not exceeding One hundred Pounds, shall in *England* and *Ireland* be prosecuted summarily before any Two or more Justices, as to *England* in the Manner directed by

Legal Procedure (General).

by the Act of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, and as to *Ireland* in the Manner directed by the Act of the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act or Acts that may be passed for like Purposes: And all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if the Offences in respect of which the same are instituted were hereby stated to be Offences in respect of which Two or more Justices have Power to convict summarily or to make a summary Order:

(4.) In all Cases of Summary Convictions in *England*, where the Sum adjudged to be paid exceeds Five Pounds, or the Period of Imprisonment adjudged exceeds One Month, any Person who thinks himself aggrieved by such Conviction may appeal to the next Court of General or Quarter Sessions which is holden not less than Twelve Days after the Day of such Conviction for the County, City, Borough, Liberty, Riding, Division, or Place wherein the Case has been tried; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as may be awarded, and shall, if necessary, issue Process for enforcing such Judgment:

(5.) All Offences under this Act shall in any *British* Possession be punishable in any Court or by any Justice of the Peace or Magistrate in which or by whom Offences of a like Character are ordinarily punishable, or in such other Manner, or by such other Courts, Justices, or Magistrates, as may from Time to Time be determined by any Act or Ordinance duly made in such Possession in such Manner as Acts and Ordinances in such Possession are required to be made in order to have the Force of Law.

519. Any

Legal Procedure (General)

Stipendiary Magistrate to have same Power as Two Justices.

519. Any Stipendiary Magistrate shall have full Power to do alone whatever Two Justices of the Peace are by this Act authorized to do.

Offence where deemed to have been committed.

520. For the Purpose of giving Jurisdiction under this Act, every Offence shall be deemed to have been committed, and every Cause of Complaint to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against may be.

Jurisdiction over Ships lying off the Coasts.

521. In all Cases where any District within which any Court or Justice of the Peace or other Magistrate has Jurisdiction either under this Act or under any other Act or at Common Law, for any Purpose whatever, is situate on the Coast of any Sea, or abutting on or projecting into any Bay, Channel, Lake, River, or other navigable Water, every such Court, Justice of the Peace, or Magistrate shall have Jurisdiction over any Ship or Boat being on or lying or passing off such Coast, or being in or near such Bay, Channel, Lake, River, or navigable Water as aforesaid, and over all Persons on board such Ship or Boat or for the Time being belonging thereto, in the same Manner as if such Ship, Boat, or Persons were within the Limits of the original Jurisdiction of such Court, Justice, or Magistrate.

Service to be good if made personally, or on board Ship

522. Service of any Summons or other Matter in any legal Proceeding under this Act shall be good Service, if made personally on the Person to be served, or at his last Place of Abode, or if made by leaving such Summons for him on board any Ship to which he may belong with the Person being or appearing to be in command or charge of such Ship.

Sums ordered to be paid leviable by Distress on Ship.

523. In all Cases where any Court, Justice or Justices of the Peace, or other Magistrate, has or have Power to make an Order directing Payment to be made of any Seaman's Wages, Penalties, or other Sums of Money, then, if the Party so directed to pay the same is the Master or Owner of a Ship, and the same is not paid at the Time and in Manner prescribed in the Order, the Court, Justice or Justices, or other Magistrate who made the Order, may, in addition to any other Powers they or he may have for the Purpose of compelling Payment, direct the Amount remaining unpaid to be levied by Distress or Poinding and Sale of the said Ship, her Tackle, Furniture, and Apparel.

Application of Penalties.

524. Any Court, Justice, or Magistrate imposing any Penalty under this Act, for which no specific Application is herein provided, may, if it or he thinks fit, direct the whole or any Part thereof to be applied in compensating any Person for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty

Penalty is imposed, or to be applied in or towards Payment of the Expenses of the Proceedings; and, subject to such Directions or specific Application as aforesaid, all Penalties recovered in the United Kingdom shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom; and all Penalties recovered in any *British* Possession shall be paid over into the Public Treasury of such Possession, and form Part of the Public Revenue thereof.

Legal Procedure (General)

525. The Time for instituting Summary Proceedings under this Act shall be limited as follows; (that is to say,)

Limitation of Time in Summary Proceedings.

(1.) No Conviction for any Offence shall be made under this Act in any Summary Proceeding instituted in the United Kingdom, unless such Proceeding is commenced within Six Months after the Commission of the Offence; or if both or either of the Parties to such Proceeding happen during such Time to be out of the United Kingdom, unless the same is commenced within Two Months after they both first happen to arrive or to be at One Time within the same:

(2.) No Conviction for any Offence shall be made under this Act in any Proceeding instituted in any *British* Possession, unless such Proceeding is commenced within Six Months after the Commission of the Offence; or if both or either of the Parties to the Proceeding happen during such Time not to be within the Jurisdiction of any Court capable of dealing with the Case, unless the same is commenced within Two Months after they both first happen to arrive or to be at One Time within such Jurisdiction:

(3.) No Order for the Payment of Money shall be made under this Act in any Summary Proceeding instituted in the United Kingdom unless such Proceeding is commenced within Six Months after the Cause of Complaint arises; or, if both or either of the Parties happen during such Time to be out of the United Kingdom, unless the same is commenced within Six Months after they both first happen to arrive or to be at One Time within the same:

(4.) No Order for the Payment of Money shall be made under this Act in any Summary Proceeding instituted in any *British* Possession, unless such Proceeding is commenced within Six Months after the Cause of Complaint arises; or, if both or either of the Parties to the Proceeding happen during such Time not to be within the Jurisdiction of any Court capable of dealing with the Case, unless the same is commenced within Six Months after they both first happen to arrive or be at One Time within such Jurisdiction:

Procedure (General).

And no Provision contained in any other Act or Acts, Ordinance or Ordinances, for limiting the Time within which Summary Proceedings may be instituted shall affect any Summary Proceeding under this Act.

Document proved without calling attesting Witness.

526. Any Document required by this Act to be executed in the Presence of or to be attested by any Witness or Witnesses, may be proved by the Evidence of any Person who is able to bear witness to the requisite Facts, without calling the attesting Witness or Witnesses or any of them.

Power of Judge of Court of Record or Admiralty to arrest Foreign Ship that has occasioned Damage.

527. Whenever any Injury has, in any Part of the World, been caused to any Property belonging to Her Majesty or to any of Her Majesty's Subjects by any Foreign Ship, if at any Time thereafter such Ship is found in any Port or River of the United Kingdom or within Three Miles of the Coast thereof, it shall be lawful for the Judge of any Court of Record in the United Kingdom, or for the Judge of the High Court of Admiralty, or in *Scotland* the Court of Session, or the Sheriff of the County within whose Jurisdiction such Ship may be, upon its being shown to him by any Person applying summarily that such Injury was probably caused by the Misconduct or Want of Skill of the Master or Mariners of such Ship, to issue an Order directed to any Officer of Customs or other Officer named by such Judge, requiring him to detain such Ship until such Time as the Owner, Master, or Consignee thereof has made Satisfaction in respect of such Injury, or has given Security, to be approved by the Judge, to abide the Event of any Action, Suit, or other legal Proceeding that may be instituted in respect of such Injury, and to pay all Costs and Damages that may be awarded thereon; and any Officer of Customs or other Officer to whom such Order is directed shall detain such Ship accordingly.

Power in certain Cases to detain Ship before Application made to Judge.

528. In any Case where it appears that before any Application can be made under the foregoing Section such Foreign Ship will have departed beyond the Limits therein mentioned, it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to detain such Ship until such Time as will allow such Application to be made and the Result thereof to be communicated to him; and no such Officer shall be liable for any Costs or Damages in respect of such Detention unless the same is proved to have been made without reasonable Grounds.

Who to be Defendant to Suit in such Cases.

529. In any Action, Suit, or other Proceeding in relation to such Injury, the Person so giving Security as aforesaid shall be made Defendant or Defender, and shall be stated to be the Owner of the Ship that has occasioned such Damage; and the Production of the Order of the Judge made in relation to such Security shall be conclusive Evidence of the Liability of such Defendant or Defender to such Action, Suit, or other Proceeding.

Legal

Legal Procedure (Scotland).

Legal Procedure (Scotland).

Offences punishable as Misdemeanors.

530. In *Scotland* every Offence which by this Act is described as a Felony or Misdemeanor may be prosecuted by Indictment or Criminal Letters at the Instance of Her Majesty's Advocate before the High Court of Justiciary, or by Criminal Libel at the Instance of the Procurator Fiscal of the County before the Sheriff, and shall be punishable with Fine and with Imprisonment, with or without Hard Labour in default of Payment, or with Imprisonment, with or without Hard Labour, or with both, as the Court may think fit, or in the Case of Felony with Penal Servitude, where the Court is competent thereto; and such Court may also, if it think fit, order Payment by the Offender of the Costs and Expenses of the Prosecution.

Summary Proceedings.

531. In *Scotland*, all Prosecutions, Complaints, Actions, or Proceedings under this Act, other than Prosecutions for Felonies or Misdemeanors, may be brought in a summary Form before the Sheriff of the County, or before any Two Justices of the Peace of the County or Burgh where the Cause of such Prosecution or Action arises, or where the Offender or Defender may be for the Time, and when of a criminal Nature, or for Penalties, at the Instance of the Procurator Fiscal of Court, or at the Instance of any Party aggrieved, with Concurrence of the Procurator Fiscal of Court; and the Court may, if it think fit, order Payment by the Offender or Defender of the Costs of the Prosecution or Action.

Form of Complaint.

532. In *Scotland*, all Prosecutions, Complaints, Actions, or other Proceedings under this Act may be brought either in a written or printed Form, or partly written and partly printed, and where such Proceedings are brought in a summary Form it shall not be necessary in the Complaint to recite or set forth the Clause or Clauses of the Act on which such Proceeding is founded, but it shall be sufficient to specify or refer to such Clause or Clauses, and to set forth shortly the Cause of Complaint or Action, and the Remedy sought; and when such Complaint or Action is brought in whole or in part for the Enforcement of a pecuniary Debt or Demand, the Complaint may contain a Prayer for Warrant to arrest upon the Dependence.

Mode of requiring Appearance of Defender and Witnesses.

533. In *Scotland*, on any Complaint or other Proceeding brought in a summary Form under this Act being presented to the Sheriff Clerk or Clerk of the Peace, he shall grant Warrant to cite the Defender to appear personally before the said Sheriff or Justices of the Peace on a Day fixed, and at the same Time shall appoint a Copy of the same to be delivered to him by a Sheriff Officer or Constable, as the Case may be, along with the Citation; and such

Legal Procedure (Scotland).

such Deliverance shall also contain a Warrant for citing Witnesses and Havers to compear at the same Time and Place to give Evidence and produce such Writs as may be specified in their Citation; and where such Warrant has been prayed for in the Complaint or other Proceeding, the Deliverance of the Sheriff Clerk or Clerk of the Peace shall also contain Warrant to arrest upon the Dependence in common Form: Provided always, that where the Apprehension of any Party, with or without a Warrant, is authorized by this Act, such Party may be detained in Custody until he can be brought at the earliest Opportunity before any Two Justices, or the Sheriff who may have Jurisdiction in the Place, to be dealt with as this Act directs, and no Citation or Induciæ shall in such Case be necessary.

Backing Arrestments.

534. When it becomes necessary to execute such Arrestment on the Dependence against Goods or Effects of the Defender within *Scotland*, but not locally situated within the Jurisdiction of the Sheriff or Justices of the Peace by whom the Warrant to arrest has been granted, it shall be competent to carry the Warrant into execution on its being indorsed by the Sheriff Clerk or Clerk of the Peace of the County or Burgh respectively within which such Warrant comes to be executed.

Compelling Attendance of Witnesses.

535. In all Proceedings under this Act in *Scotland* the Sheriff or Justices of the Peace shall have the same Power of compelling Attendance of Witnesses and Havers as in Cases falling under their ordinary Jurisdiction.

Proceedings to be vivâ

536. The whole Procedure in Cases brought in a summary Form before the Sheriff or Justices of the Peace in *Scotland* shall be conducted *vivâ voce*, without written Pleadings, and without taking down the Evidence in Writing, and no Record shall be kept of the Proceedings, other than the Complaint, and the Sentence or Decree pronounced thereon.

Power to adjourn.

537. It shall be in the Power of the Sheriff or Justices of the Peace in *Scotland* to adjourn the Proceedings from Time to Time to any Day or Days to be fixed by them, in the event of Absence of Witnesses or of any other Cause which shall appear to them to render such Adjournment necessary.

Sentence to be in Writing.

Imprisonment to be inflicted

538. In *Scotland* all Sentences and Decrees to be pronounced by the Sheriff or Justices of the Peace upon such summary Complaints shall be in Writing; and where there is a Decree for Payment of any Sum or Sums of Money against a Defender, such Decree shall contain Warrant for Arrestment, Poinding, and Imprisonment in default of Payment,

Payment, such Arrestment, Poinding, or Imprisonment to be carried into effect by Sheriffs Officers or Constables, as the Case may be, in the same Manner as in Cases arising under the ordinary Jurisdiction in the Sheriff or Justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the Fifth and Sixth Years of *William* the Fourth, intituled *An Act for abolishing, in* Scotland, *Imprisonment for Civil Debts of small Amount.*

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default of Payment.

5 & 6 W. 4. c. 70.

539. In all summary Complaints and Proceedings for Recovery of any Penalty or Sum of Money in *Scotland*, if a Defender who has been duly cited shall not appear at the Time and Place required by the Citation, he shall be held as confessed, and Sentence or Decree shall be pronounced against him in Terms of the Complaint, with such Costs and Expenses as to the Court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such Decree at any Time before the same be fully implemented, by lodging with the Clerk of Court a Reponing Note, and consigning in his Hands the Sum decerned for, and the Costs which had been awarded by the Court, and on the same Day delivering or transmitting through the Post to the Pursuer or his Agent a Copy of such Reponing Note; and a Certificate by the Clerk of Court of such Note having been lodged shall operate as a Sist of Diligence till the Cause shall have been reheard and finally disposed of, which shall be on the next Sitting of the Court, or on any Day to which the Court shall then adjourn it.

Sentence and Penalties in default of Defender's Appearance.

540. In all summary Complaints or other Proceedings not brought for the Recovery of any Penalty or Sum of Money in *Scotland*, if a Defender, being duly cited, shall fail to appear, the Sheriff or Justices may grant Warrant to apprehend and bring him before the Court.

Warrant to apprehend in default of Appearance.

541. In all Cases where Sentences or Decrees of the Sheriff or Justices require to be enforced within *Scotland*, but beyond the Jurisdiction of the Sheriff or Justices by whom such Sentences or Decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the Sheriff Clerk or Clerk of the Peace of the County or Burgh within which such Execution is to take place.

Backing Sentences or Decrees.

542. No Order, Decree, or Sentence pronounced by any Sheriff or Justice of the Peace in *Scotland* under the Authority of this Act shall be quashed or vacated for any Misnomer, Informality, or Defect of Form; and all Orders, Decrees, and Sentences so pronounced shall be final and conclusive, and not subject to Suspension, Advocation, Reduction, or to any Form of Review or Stay of Execution, except on the Ground of Corruption or Malice on the Part of the Sheriff or Justices,

Orders not to be quashed for Want of Form; and to be final.

Legal Procedure (Scotland).

Justices, in which Case the Suspension, Advocation, or Reduction must be brought within Fourteen Days of the Date of the Order, Decree, or Sentence complained of: Provided always, that no Stay of Execution shall be competent to the Effect of preventing immediate Execution of such Order, Decree, or Sentence.

General Rules, so far as applicable, to extend to Penalties and Proceedings in Scotland.

543. Such of the general Provisions with respect to Jurisdiction, Procedure, and Penalties contained in this Act as are not inconsistent with the special Rules herein-before laid down for the Conduct of legal Proceedings and the Recovery of Penalties in *Scotland*, shall, so far as the same are applicable, extend to such last-mentioned Proceedings and Penalties: Provided always, that nothing in this Act contained shall be held in any way to annul or restrict the Common Law of *Scotland* with regard to the Prosecution or Punishment of Offences at the Instance or by the Direction of the Lord Advocate, or the Rights of Owners or Creditors in regard to enforcing a Judicial Sale of any Ship and Tackle, or to give to the High Court of Admiralty of *England* any Jurisdiction in respect of Salvage in *Scotland* which it has not heretofore had or exercised.

PART XI.

MISCELLANEOUS.

Miscellaneous.

Contracts may be made with Natives in India, under certain Conditions, binding them to go to Australia, and thence to serve in other Ships to the United Kingdom.

544. It shall be lawful for any Master or Owner of a Ship, or his Agent, to enter into Contracts with Lascars or Natives of the Territories of the *East India* Company, binding them to proceed to any Port or Ports in the *Australian* Colonies either as Seamen or as Passengers, and there to engage themselves as Seamen in any Ship which may happen to be there and to be bound to the United Kingdom or to any other Part of Her Majesty's Dominions; provided that every such Contract shall be in such Form, and shall contain such Provisions, and shall be executed in such Manner, and under such Conditions for securing the Return of such Lascars or Natives to their own Country, and for other Purposes, as the Governor General of *India* in Council, or the Governors of the respective Presidencies in which the Contract is made, in Council, may direct; and if any Lascar or other Person who has bound himself by any such Contract is, on arriving in any of the said Colonies, required to enter into an Agreement to serve as a Seaman in any Ship bound for the United Kingdom or to any other Part of Her Majesty's Dominions, and if it is certified by some Officer appointed for that Purpose by the Governor of the said Colony that such Agreement is a proper Agreement in all respects for such Lascar or other Person to enter into, and is in accordance with the original Contract, and that the Ship to which such Agreement relates is a proper Ship for such Lascar or other Person

Miscellaneous.

Person to serve in, and is properly supplied with Provisions, and that there is not in the Opinion of such Officer any Objection to the full Performance of the said Contract, such Lascar or other Person shall be bound to enter into the said Agreement, and to serve as a Seaman in the Ship to which it relates, and shall thereupon be deemed to be for all Purposes One of the Crew of the Ship; and if he refuses to enter into such Agreement he shall, notwithstanding such Refusal, be liable to the same Consequences, and be dealt with in all respects in the same Manner, as if he had voluntarily entered into the same; and for every Lascar or other Person in respect of whom such Certificate is applied for the Person applying for the same shall pay to such Officer as aforesaid such Fee as the Governor of the Colony may appoint.

Act not to affect Passenger Acts, 15 & 16 Vict. c. 44. 16 & 17 Vict. c. 84.

545. Nothing in this Act contained shall be taken to repeal or alter any of the Provisions of the "Passengers Act, 1852," or of the Act of the Seventeenth Year of Her present Majesty, Chapter Eighty-four.

Corporations, &c. may grant Site for Sailors Homes.

546. The Municipal Corporation of any Borough, being a Seaport in the United Kingdom, and any Body Corporate, Association, or Trustees in any such Seaport, existing or constituted for any public Purposes relating to the Government or Benefit of Persons engaged in the *British* Merchant Service, or to the Management of Docks and Harbours, or for any other public Purposes connected with Shipping or Navigation, may, with the Consent of Her Majesty's Secretary of State for the Home Department, appropriate any Lands vested in them or in Trustees for them as a Site or Sites for a Sailors Home or Sailors Homes, and may for that Purpose either retain and apply the same accordingly, or convey the same to Trustees, with such Powers for appointing new Trustees and continuing the Trust as they think fit.

Power of Colonial Legislatures to alter Provisions of Act.

547. The Legislative Authority of any *British* Possession shall have Power, by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal, wholly or in part, any Provisions of this Act relating to Ships registered in such Possession; but no such Act or Ordinance shall take effect until such Approval has been proclaimed in such Possession, or until such Time thereafter as may be fixed by such Act or Ordinance for the Purpose.

Expenses incurred by Commissioners of Customs to be paid out of the Consolidated Customs.

548. All Expenses incurred by the Commissioners of Customs in the Conduct of Suits or Prosecutions, or otherwise in carrying into effect the Provisions of this Act, shall be considered as Expenses having reference to the Revenue of Customs, and shall be paid out of the Consolidated Customs; but the Board of Trade may, with the Consent of the Treasury, repay out of the Mercantile Marine Fund all or any Part of such of the Expenses so paid as are by the Provisions of this Act chargeable on the said Fund.

SCHE-

SCHEDULE to which this Act refers.

FORM A. (See Section 36.)

CERTIFICATE OF SURVEYOR.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails. and if by Steam, whether by Paddles or Screw.

Number of Decks -		Build - -	*Carvel or Clincher.*
Number of Masts -		Gallery - -	*Description of.*
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Head - -	*Kind of.*
Stern - - -	*Round, square, or other Description.*	Framework -	*Wood or other Material*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - -	
Poop - - - - - - - - -	
Roundhouse - - - - - - - -	
Other inclosed Spaces, if any, naming them - - - -	
Total - -	

(*) Omit this Part if she has no Steam Power.

(*) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (by whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - - -		
Length of Engine Room (if measured) - - - - -	Feet.	Tenths.
Engines - - - - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - - - -	No. of Horses-power.	
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*) -		

I, the undersigned *A.B.* of , having surveyed the above-named Ship, hereby certify that the above Particulars are true.

Dated at (Signed)_____

the Day of 18 . .

FORM

FORM B. (See Section 38.)

Declaration of Ownership by individual Owner.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build - -	*Carvel or Clincher.*
Number of Masts -		Gallery - -	*Description of.*
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Head - -	*Kind of.*
Stern - - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships . - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - -	
Poop - - - - - - - -	
Roundhouse - - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(a) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{28}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - -		
Length of Engine Room (if measured) - - - -	Feet.	Tenths.
Engines - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - - -	No. of Horses-power.	
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)		

(a) *Omit this Part if sh has no Steam Power.*

I, the undersigned *A. B.* of in the County of declare as follows:

(1.) I am a natural-born British Subject, born at [*naming Birth-place*],

and have never taken the Oath of Allegiance to any Foreign State.

or

and have since I took the Oath of Allegiance to a Foreign State [*naming State*], and on the Day of , taken the Oath of Allegiance to Her Majesty, and am resident * at [*naming Place*], being a Place within Her Majesty's Dominions.

or

* *If the Declarant is a natural-born Subject, who has taken the Oath of Allegiance to a Foreign State, or a Denizen or naturalized Subject, and is residentin a Country not within Her Majesty's Dominions, he must declare, in addition, that "he is a "Member of some British Factory, or Partner in some House "actually carrying on "Business in the "United Kingdom, or "in some British Possession" [naming the House and also the Place where it carries on its Business].*

I am

a Denizen by Letters of Denization dated the Day of } *or* { naturalized by Act of Parliament of the United Kingdom of [*cite the Year of the Reign in which the Act was passed, its Chapter and Title.*] } *or* { naturalized by an nance of the proper l lative Authority of [*naming British Po sion*], [*cite the Yea which the Ordinance passed, its Chapte Title.*]

and am resident at [*naming Place*], being a Place within Her Majesty's Dominions.

And I have

since I so became a Denizen, } *or* { since the passing of the said Act or Ordinance

and on the Day of taken the Oath of Allegiance to Her Majesty.

(2.) The Ship, the Description of which is prefixed to this my Declaration,

was built at [*naming the Country and Place*] on the Day of , and her Foreign Name is [*these Words to be added if the Ship is Foreign.*] } *or* { is Foreign-built, and I do not know the Time when or the Place where she was built, and her Foreign Name is } *or* { was condemned by t Court of [*naming Cour* on the Day of at

(3.) *C. D.* of is the Master of the said Ship.

(4.) I am entitled to be registered as * Owner of Shares in the said Ship.

* *If the Declaration is made by a joint Owner add the Word "joint" before Owner.*

(5.) To the best of my Knowledge and Belief, no Person or Body of Persons, other than su Persons or Bodies of Persons as are by The Merchant Shipping Act, 1854, qualified to be Owne of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in t said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

Dated at (Signed)_____

the Day of 18 .

Made and subscribed by the above-named *A.B.* in the Presence of me

(Signed)_____ [*Name of Registrar or Justice of the Peace acting in and for*

FORM C. (See Section 39.)

Declaration of Ownership on behalf of a Body Corporate as Owner.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails and if by Steam, whether by Paddle or Screw.

Number of Decks -			
Number of Masts -		Build - -	*Carvel or Clincher.*
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Gallery - -	*Description of.*
		Head - -	*Kind of.*
Stern - - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements	Feet.	Tenths
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - - -	
Poop - - - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(*) *Additional Particulars for Steamers.*	No. of Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{17}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - -		
	Feet	Tenths.
Length of Engine Room (if measured) - - - - -		
	Number of Engines.	
Engines - - - - - - - - - -		
	No. of Horses-power.	
Combined Power (estimated Horse-power) - - - - -		

(*) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)	

I, the undersigned *A.B.* of in the County of [*Secretary*], or [*duly appointed public Officer*], of the Company, declare as follows:

(1.) The said Company was incorporated by or by virtue of

an Act of Parliament of the United Kingdom [*cite the Year of the Reign in which the Act was passed, its Chapter and Title*]. *or* a Charter granted by Her Majesty, and dated the Day of *or* an Act or Ordinance of the Legislature of [*cite the Year in which the Act or Ordinance was passed, its Chapter and Title*]. *or* the Act 7 & 8 Vict. c. 110. from the Day of being the Date of the Certificate of complete Registration.

(2.) The said Company is subject to the Laws

of the United Kingdom, } *or* { of the British Possession of

and has its principal Place of Business at

(3.) The Ship, the Description of which is prefixed to this my Declaration,

was built at [*naming the Country and Place*] on the Day of , and her Foreign Name is . [*These Words to be added if the Ship is Foreign* } *or* { is Foreign-built, and I do not know the Time when or the Place where she was built, and her Foreign Name is } *or* { was condemned by the Court of [*naming Court*] on the Day of at .

(4.) *C.D.* of is the Master of the said Ship.

(5.) The said Company is entitled to be registered as Owner of Shares in the said Ship.

(6.) To the best of my Knowledge and Belief no Person or Body of Persons, other than such Persons or Bodies of Persons as are by The Merchant Shipping Act, 1854, qualified to be Owners of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) _____

Dated at
the Day of 18 .

Made and subscribed by the above-named *A.B.*
in the Presence of me

(Signed) _____ { [*Name of Registrar.*] }

FORM D. (See Section 44.)

Certificate of Registry.

No. _____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build - -	*Carvel or Clincher.*
Number of Masts -		Gallery - -	*Description of.*
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - -		
Main Breadth to Outside of Plank - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - -	
Poop - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - -	
Total - -	

(*) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - -		
Length of Engine Room (if measured) - - - -	Feet.	Tenths.
Engines - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - -	No. of Horses-power.	

(*) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)	

I, the undersigned *A.B.*, Registrar of the Port of , hereby certify, that,

(1.) The Ship, the Description of which is prefixed to this my Certificate, has been duly surveyed, and that the above Description is true.

(2.) *C.D.* of is the Master of the said Ship.

(3.) The

(3.) The said Ship was built at [*naming the Country and Place*] on the Day of and her Foreign Name is [*these Words to be added if the Ship is Foreign.*] *or* is Foreign-built, and the Time when and the Place where she was built is not known, and her Foreign Name is *or* was condemned by the Court of [*naming Court*] on the Day of at

(4.) The several Persons and Bodies Corporate whose Names are hereunder written [*or endorsed*] are Owners of the above Ship, in the Proportions set opposite their respective Names.

(Signed) _____ Registrar.

Names of the several Owners above [*or* within] mentioned.	Number of Sixty-fourth Shares held by each Owner.
[*Name.*]	*Thirty-two.*
—	*Sixteen.*
—	*Eight.*
—	*Eight.*

(Signed) _____ Registrar

Dated at _____

the Day of 18 .

Notice.—A Certificate of Registry granted under the Merchant Shipping Act, 1854, is not a Document of Title. It does not necessarily contain Notice of *all* Changes of Ownership, and in no Case does it contain an Official Record of any Mortgages affecting the Ship.

FORM E. (See Section 55.)

Bill of Sale.

No. _____ *Date of Registry.*

Name of Ship	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build - -	*Carvel or Clincher.*
Number of Masts -		Gallery - -	*Description of.*
Rigging - -	*Nature of, and whether Standing or running Bowsprit.*	Head - -	*Kind of.*
Stern - - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - -	
Poop - - - - - - -	
Roundhouse - - - - - - - -	
Other inclosed Spaces, if any, naming them - -	
Total - -	

(a) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{17}{100}$ths or $\frac{22}{100}$ths, or as measured) - - - - -		
Length of Engine Room (if measured) - - - - -	Feet.	Tenths.
Engines - - - - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - - - -	No of Horses-power.	

(a) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)

I *A.B.* of in the County of , being Owner of Shares in the Ship above particularly described, in consideration of £ paid to me by *C.D.* of

Alter as necessary, if there be more than One Owner.

of in the County of hereby transfer to the said *C.D.* the said Shares.

Further I, *A.B.*, for myself and my Heirs, covenant with the said *C.D.* and his Assigns that I have Power to transfer in manner aforesaid the said Shares, and that the same are free from Incumbrances* *save as appears by the Registry of the said Ship.*

** Omit, if no Incumbrances, the words in Italics.*

In witness whereof I have hereunto subscribed my Name and affixed my Seal, this Day of 18 .

(L.S.) (Signed)_____

Executed by the above-named
in the Presence of

_____ [*insert Description and Place of Residence.*]

FORM F. (See Section 56.)

DECLARATION OF OWNERSHIP BY INDIVIDUAL TRANSFERREE.

No. _____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry	How propelled
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -			
Number of Masts -		Build - -	*Carvel or Clincher.*
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Gallery - -	*Description of*
		Head - -	*Kind of.*
Stern - - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - -	
Poop - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(*) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - - - -		
Length of Engine Room (if measured) - - -	Feet.	Tenths.
Engines - - - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - -	No. of Horses-power.	
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)		

(*) *Omit this Part if she has no Steam Power.*

I, the undersigned *A.B.*, of in the County of declare as follows:

(1.) I am a natural-born Subject of Her Majesty, born at [*naming Place of Birth*],

and have never taken the Oath of Allegiance to any Foreign State. } *or* { and have since I took the Oath of Allegiance to a Foreign State [*naming State*] and on the Day of taken the Oath of Allegiance to Her Majesty, and am resident* at [*naming Place*] being a Place within Her Majesty's Dominions.

* *If the Declarant is a natural-born Subject, who has taken the Oath of Allegiance to a Foreign State, or a Denizen or a naturalized Subject, and is resident in a Country not within Her Majesty's Dominions, he must declare in addition, that "he is "a Member of some "British Factory, Partner in some House "actually carrying on "Business in the United "Kingdom or in some "British Possession" [naming the House and also the Place where it carries on its Business].*

or

I am

a Denizen by Letters of Denization dated the Day of } *or* { naturalized by Act of Parliament of the United Kingdom [*cite the Year in which the Act was passed, its Chapter and Title.*] } *or* { naturalized by an Ordinance of the proper legislative Authority of [*naming British Possession*] [*cite the Year in which the Ordinance was passed, its Chapter and Title.*]

and am resident at [*naming Place*], being a Place within Her Majesty's Dominions.

And I have

since I so became a Denizen, } *or* { since the passing of the said Act or Ordinance,

and on the Day of , taken the Oath of Allegiance to Her Majesty.

(2.) To the best of my Knowledge and Belief, no Person or Body of Persons, other than such Persons or Bodies of Persons as are by The Merchant Shipping Act, 1854, qualified to be Owners of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) _____.

Dated at
the Day of 18 .

Made and subscribed by the above-named *A.B.*
in the Presence of me

(Signed) _____ { *Name of Registrar or Justice of the Peace acting in and for*

FORM G. (See Section 56.)

Declaration of Ownership on behalf of a Body Corporate as Transferree.

No. _____ *Date of Registry.*

Name of Ship.	British or Foreign Built	Port of Registry	How propelled
			By Steam or Sails, and if by Steam, whether by Paddles or Screw.

Number of Decks -			
Number of Masts -		Build - -	*Carvel or Clincher.*
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Gallery - -	*Description of.*
		Head - -	*Kind of.*
Stern - - -	*Round, square, or other Description*	Framework - -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Afterside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - - - - -	
Poop - - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(*) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - -		
Length of Engine Room (if measured) - - - - -	Feet.	Tenths.
Engines - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - - - -	No. of Horses-power.	

(*) *Omit this Part if she has no Steam Power*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)	

I, the undersigned *A.B.*, of in the County of [*Secretary*], *or* [*duly appointed public Officer*], of the Company, declare as follows:

(1.) The

(1.) The said Company was incorporated by or by virtue of

an Act of Parliament of the United Kingdom [*cite the Year in which the Act was passed, its Chapter and Title*]. *or* a Charter granted by Her Majesty, and dated the Day of *or* an Act or Ordinance of the Legislature of [*cite Year in which the Act or Ordinance was passed, its Chapter and Title*]. *or* the Act 7 & 8 Vict. c. 110. from the Day of being the Date of the Certificate of complete Registration

(2.) The said Company is subject to the Laws

of the United Kingdom, *or* of the British Possession of _____,

and has its principal Place of Business at .

(3.) The said Company is entitled to be registered as Transferee of Shares in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed)_____

Dated at _____

the Day of 18 .

Made and subscribed by the above-named *A. B.*
in the Presence of me

(Signed)_____ [*Name of Registrar.*]

FORM H (See Section 58)

Declaration by Ownlr taking by Transmission

No _____ *Date of Registry*

Name of Ship	British or Foreign Built	Port of Registry	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw

Number of Decks -		Build - -	*Carvel or Clincher*
Number of Masts -			
Rigging - -	*Nature of, and whether standing or running Bowsprit*	Gallery - -	*Description of.*
		Head - -	*Kind of*
Stern - -	*Round, square, or other Description*	Framework -	*Wood or other Material*

Measurements	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage	No of Tons.
Tonnage under Tonnage Deck - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any, viz.	
Space or Spaces between Decks - - - -	
Poop - - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(a) *Additional Particulars for Steamers*	Tons	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{33}{100}$ths, or as measured) - - - -		
Length of Engine Room (if measured) - - - -	Feet.	Tenths.
Engines - - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - -	No. of Horses-power	

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

(a) *Omit this Part if she has no Steam Power.*

I, (b) the undersigned *A B*, of in the County of declare as follows

(1) I am a natural-born Subject of Her Majesty, born at [*naming Place of Birth*] and

(b) *Alter accordingly if more than One Person makes the Declaration*

and have never taken the Oath of Allegiance to any Foreign State. } *or* { and have since I took the Oath of Allegiance to a Foreign State [*naming State*] and on the Day of taken the Oath of Allegiance to Her Majesty, and am resident* at [*naming Place*] being a Place within Her Majesty's Dominions.

or

I am

a Denizen by Letters of Denization dated the Day of } *or* { naturalized by Act of Parliament of the United Kingdom [*cite the Year in which the Act was passed, its Chapter and Title.*] } *or* { naturalized by an Ordinance of the proper legislative Authority of [*naming British Possession*] [*cite the Year in which the Ordinance was passed, its Chapter and Title.*]

and am resident at [*naming Place*], being a Place within Her Majesty's Dominions.

And I have

since I so became a Denizen, } *or* { since the passing of the said Act or Ordinance,

and on the Day of , taken the Oath of Allegiance to Her Majesty.

(2.) I declare that the Person appearing by the Register Book to be the Owner of Shares in the Ship above described† [*died at in the County of having first duly made his Will dated the Day of whereby he appointed me Executor, and I proved his said Will on the Day of in the Court of*] or [*died at in the County of on the Day of intestate, and that Letters of Administration of his Estate and Effects were on the Day of duly granted to me by the Court of*] } *or* { We declare that *C.D.*, the Person appearing on the Register Book to be the Owner of Shares in the Ship above described, was on the Day of † [*duly adjudged a Bankrupt*] or [*declared insolvent*], and that we were on the Day of appointed Assignees of the said *C.D.*, and we are by Law entitled to be registered as Owners of the said Shares of the said Ship in place of the said *C.D.* } *or* { I declare that on the Day of I intermarried with and am now the Husband of *C.D.*, the Person appearing on the Register Book to be the Owner of Shares in the said Ship, and I declare that on such Marriage the Interest of the said *C.D.* became by Law vested in me, and that I am entitled to be registered as Owner of the said Shares in place of the said *C.D.*

(3.) To the best of my Knowledge and Belief, no Person or Body of Persons other than such Persons or Bodies of Persons as are by The Merchant Shipping Act, 1854, qualified to be Owners of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) _____

Dated at
the Day of 18 .

Made and subscribed by the above-named *A.B.*
in the Presence of me

(Signed) _____ { *Name of Registrar or Justice of the Peace acting in and for*

* *If the Declarant is a natural-born Subject, who has taken the Oath of Allegiance to a Foreign State, or a Denizen or a naturalized Subject, and is resident in a Country not within Her Majesty's Dominions, he must declare in addition, that "he is "a Member of some "British Factory, Partner in some House "actually carrying on "Business in the United "Kingdom or in some "British Possession" [naming the House and also the Place where it carries on its Business].*

Alter according to Circumstances.

FORM I. (See Section 66.)

FORM OF MORTGAGE.

No. _____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw

Number of Decks -		Build - -	*Carvel or Clincher.*
Number of Masts -			
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Gallery - -	*Description of.*
		Head - -	*Kind of.*
Stern - - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - - -	
Poop - - - - - - - -	
Roundhouse - - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(*) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - -		
Length of Engine Room (if measured) - - - -	Feet.	Tenths.
Engines - - - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - - -	No. of Horses-power.	
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)		

(*) *Omit this Part if she has no Steam Power.*

I, the undersigned *A.B.* of in the County of in consideration of £ this Day lent to me by *C.D.* of in the County of do hereby for myself and my Heirs covenant with the said *C.D.*, firstly, that I, or my Heirs, Executors, or Administrators, will pay to the said *C.D.* the said Sum of £ together with Interest thereon

Alter Covenant as may be necessary, so as to secure a general Balance of Accounts or otherwise, as the Case may require.

thereon at the Rate of £ by the £100 in the Year, on the Day of next; and, secondly, that if the said Principal Sum is not paid on the said Day, I, or my Heirs, Executors, or Administrators, will, during such Time as the same or any Part thereof remain unpaid, pay to the said *C.D* Interest on the whole or such Part thereof as may for the Time being remain unpaid at the Rate of £ by the £100 in the Year, by equal half-yearly Payments, on the Day of and Day of in every Year; and for better securing to the said *C.D.* the Repayment in manner aforesaid of the said Principal Sum and Interest I hereby mortgage to the said *C.D.* Shares of which I am the Owner in the Ship above particularly described.

Lastly, I *A.B*, for myself and my Heirs, covenant with the said *C.D.* and his Assigns, that I have Power to mortgage in manner aforesaid the above-mentioned Shares, and that the same are free from Incumbrances * *save as appears by the Registry of the said Ship.*

* *Omit, if no Incumbrances, the Words in Italics.*

In witness whereof I have hereto subscribed my Name and affixed my Seal, this Day of

(L.S.) (Signed)_____

Executed by the above-named *A.B.*
in the Presence of *X.Y.*

FORM K. (See Section 73.)

Transfer of Mortgage to be endorsed on Original Mortgage.

I, the within mentioned *C.D.* in consideration of £ this Day paid to me by *X.Y.* of in the County of hereby transfer to him the Benefit of the within written Security. In witness whereof I have hereunto subscribed my Name and affixed my Seal, this the Day of

(L.S.) (Signed)_____

Executed by the above-named *C.D.*
in the Presence of *E.F.*

FORM L. (See Section 74.)

Declaration by Mortgagee taking by Transmission.

No. _____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddles or Screw.

Number of Decks -		Build - -	*Carvel or Clincher.*
Number of Masts -			
Rigging - -	*Nature of, and whether standing or running Bowsprit*	Gallery - -	*Description of.*
		Head - -	*Kind of.*
Stern - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - -		
Main Breadth to Outside of Plank - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; viz.	
Space or Spaces between Decks - - - -	
Poop - - - - - - - - -	
Roundhouse - - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(*) *Additional Particulars for Steamers.*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - -		
Length of Engine Room (if measured) - - - -	Feet	Tenths.
Engines - - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - - -	No. of Horses-power.	
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)		

(*) *Omit this Part if she has no Steam Power*

I, the undersigned *A.B* of in the County of declare as follows:

I declare

I declare that the Person appearing by the Register Book to be the Mortgagee of Shares in the Ship above described * [*died at in the County of having first duly made his Will, dated the Day of whereby he appointed me Executor, and I proved his said Will on the Day of in the Court of*], or [*died at in the County of on the Day of intestate, and that Letters of Administration of his Estate and Effects were on the Day of duly granted to me by the Court of*]

or

We declare that *C.D.*, the Person appearing on the Register Book to be the Mortgagee of Shares in the Ship above described * *was on the Day of duly adjudged a Bankrupt*], or [*was duly declared insolvent*], and that we were on the Day of appointed Assignees of the said *C.D.*, and we are by Law entitled to be registered as Mortgagees of the said Shares of the said Ship in place of the said *C.D.*

or

I declare that on the Day of I intermarried with and am now the Husband of *C.D.*, the Person appearing on the Register Book to be the Mortgagee of Shares in the said Ship, and I declare that on such Marriage the Interest of the said *C.D.* became by Law vested in me, and that I am entitled to be registered as Mortgagee of the said Shares in place of the said *C.D.*

* *Alter according to Circumstances.*

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) _____

Made and subscribed by the above-named *A.B.*
in the Presence of me

(Signed) _____ *Registrar or Justice of the Peace.*

FORM M. (See Section 79.)

Certificate of Mortgage

No _____ *Date of Registry*

Name of Ship	British or Foreign Built.	Port of Registry	How propelled
			By Steam or Sails, and if by Steam, whether by Paddles or Screw

Number of Decks -		Build - -	*Carvel or Clincher*
Number of Masts -		Gallery - -	*Description of*
Rigging - -	*Nature of, and whether standing or running Bowsprit*	Head - -	*Kind of*
Stern - - -	*Round, square or other Description*	Framework	*Wood or other Material*

Measurements	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage	No. of Tons
Tonnage under Tonnage Deck - - - - -	
Closed-in Spaces above the Tonnage Deck, if any, viz	
Space or Spaces between Decks - - - -	
Poop - - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(*) *Additional Particulars for Steamers.*	Tons	
Deduction for Space required for Propelling Power, (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - - -		
	Feet.	Tenths
Length of Engine Room (if measured) - - - - -		
	Number of Engines	
Engines - - - - - - - - - -		
	No. of Horses power	
Combined Power (estimated Horses-power) - - - -		
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)		

(*) *Omit this Part if she has no Steam Power.*

ACCOUNT OF TITLE OF SUBSCRIBING OWNERS.		
Names of the several subscribing Owners.	Number of Sixty-fourth Shares held by each of the subscribing Owners.	Account of Mortgages or Certificates of Mortgage or Sale granted in respect of Shares of subscribing Owners
(*Name and Description of Owner.*)		

Alter accordingly if there is only One Appointor or One Attorney.

(1.) We, the several above-mentioned Persons, whose Names are hereunto subscribed, being Owners of the above Ship in the Proportions set opposite our respective Names in the above Account of Title, (*but subject to the several Mortgages above mentioned,*) hereby appoint *A. B.* of and *C. D.* of and each of them, our Attornies and Attorney jointly or severally in our Names and on our Behalf to mortgage our Shares in the above Ship, and to execute and do all such Deeds, Matters, and Things as may be necessary for carrying into effect the Power hereby given.

(2.) We declare that the Amount of Money to be raised by Mortgage under this Power shall not exceed £ and that the Rate of Interest at which the same is raised shall not exceed £ for every £100 by the Year.

(3.) We declare that the Power of mortgaging hereby given may be exercised at

(4.) We declare that the above Power shall not be exercised after the Expiration of Months from the Date hereof.

In witness whereof, we have hereunto subscribed our Names and affixed our Seals, this Day of

(L.S.) *E.F.* of
(L.S.) *G.H.* of
&c.

I, *M.N.*, Registrar of hereby certify, that the above-written Particulars relating to the Ship _____, and to the Title of the several above-mentioned Owners, are correct; and I further certify, that the said Owners have executed this Certificate in manner above appearing.

Signed_____, Registrar.

N.B.—Mortgages created under this Power must be endorsed on the Certificate in the following Form, or as near thereto as Circumstances permit:—

The Day of

*The within mentioned Shares in the Ship_____ were this Day mortgaged to X. Y. of_____, to secure * £ _____ and Interest.*

Signed_____ } *Registrar or Consular Officer.*

** If the Mortgage is to cover Advances, insert "a Sum not exceeding £ ," or "General Balance of Account," as Case may be.*

FORM N (See Section 79)

CERTIFICATE OF SALE

N B All the Owners of the Ship must be Parties to this Document

No _____ *Date of Registry* _____

Name of Ship	British or Foreign Built	Port of Registry	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddles or Screw

Number of Decks -		Build - -	*Carvel or Clincher*
Number of Masts -		Gallery - -	*Description of*
Rigging - -	*Nature of, and whether standing or running Bowsprit*	Head - -	*Kind of*
Stern - -	*Round, square, or other Description*	Framework - -	*Wood or other Material*

Measurements	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage	No. of Tons
Tonnage under Tonnage Deck - - - -	
Closed in Spaces above the Tonnage Deck, if any, viz	
Space or Spaces between Decks - - - -	
Poop - - - - -	
Roundhouse - - - - -	
Other inclosed Spaces, if any, naming them - -	
Total - -	

(*) *Additional Particulars for Steamers*	Tons.	
Deduction for Space required for Propelling Power, (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - -		
Length of Engine Room (if measured) - - -	Feet.	Tenths.
Engines - - - - - - -	Number of Engines	
Combined Power (estimated Horse-power) - - -	No of Horses power	

(*) *Omit this Part if the has no Steam Power*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*)	

ACCOUNT OF TITLE TO THE ABOVE-MENTIONED SHIP.		
Names of the Owners of the Ship above mentioned.	Number of Sixty-fourth Shares held by each Owner.	Account of Mortgages, or Certificates of Mortgage, or Sale granted in respect of Ship.
(*Name.*)		

Alter accordingly if only One Appointor or One Attorney.

(1.) We, the several above-mentioned Persons, whose Names are hereunto subscribed, being Owners of the above Ship in the Proportions set opposite our respective Names in the above-mentioned Account of Title, (*but subject to the several Mortgages above-mentioned,*) hereby appoint *A.B.* of , and *C.D.* of , and each of them, our Attornies and Attorney jointly or severally in our Names and on our Behalf to sell the above Ship, and to execute and do all such Deeds, Matters, and Things as may be necessary for carrying into effect the Power hereby given.

(2.) We declare that the Ship shall not be sold for a less Sum than £

(3.) We declare that the Ship may be sold at

(4.) We declare that the above Power shall not be exercised after the Expiration of Months from the Date hereof.

In witness whereof, we have hereunto subscribed our Names and affixed our Seals, this Day of .

(L.S.) *E.F.* of
(L.S.) *G.H.* of
&c.

I, *M.N.*, Registrar of , hereby certify, that the above-written Particulars relating to the Ship and to the Title of the several above-mentioned Owners are correct; and I further certify that the said Owners have executed this Certificate in manner above appearing.

Signed_____Registrar.

FORM O (See Section 83.)

Form of Revocation

No _____ *Date of Registry*

Name of Ship	British or Foreign Built	Port of Registry	How propelled
			By Steam or Sails, and if by Steam, whether by Paddles or Screw

Number of Decks -		Build - -	*Carvel or Clincher*
Number of Masts -			
Rigging - -	*Nature of, and whether standing or running Bowsprit*	Gallery - -	*Description of*
		Head	*Kind of*
Stern - -	*Round square, or other Description*	Framework	*Wood or other Material*

Measurements	Feet	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships - -		

Tonnage	No of Tons
Tonnage under Tonnage Deck - - - - -	
Closed in Spaces above the Tonnage Deck, if any, viz	
Space or Spaces between Decks - - -	
Poop - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(a) *Additional Particulars for Steamers*	Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{27}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - - -		
Length of Engine Room (if measured) - - - -	Feet	Tenths
Engines - - - - - - - -	Number of Engines	
Combined Power (estimated Horses-power) - - - -	No of Horses power	

(a) Omit this Part if the Ship is not Steam Power

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)

(a) *Alter according to Circumstances the Words printed in Italics.*

(b) *Insert Names of Attorney.*

We (a) *Owners* of the Ship above described, hereby revoke the Power of mortgaging (or selling) the said Ship given *by us* to (b) by a Certificate of Mortgage (or Sale) dated the Day of

In witness whereof, we have hereunto subscribed our Names and affixed our Seals, this Day of

(L.S.) *E.F.* of
(L.S.) *G.H.* of
&c.

I, *M.N.*, Registrar of , hereby certify, that the said *Owners* have executed this Power of Revocation in manner above appearing.

(Signed) _____ Registrar.

TABLE P. (See Section 125.)

Fees to be charged for Matters transacted at Shipping Offices.

1. Engagement of Crews.

	£	s.	d.
In Ships under 60 Tons - -	0	4	0
60 to 100 „ - -	0	7	0
100 to 200 „ - -	0	15	0
200 to 300 „ - -	1	0	0
300 to 400 „ - -	1	5	0
400 to 500 „ - -	1	10	0
500 to 600 „ - -	1	15	0
600 to 700 „ - -	2	0	0
700 to 800 „ - -	2	5	0
800 to 900 „ - -	2	10	0
900 to 1,000 „ - -	2	15	0
Above 1,000 „ - -	3	0	0

And so on for Ships of larger Tonnage, adding for every 100 Tons above 1,000, Five Shillings.

2. Engagement of Seamen separately.

Two Shillings for each.

3. Discharge of Crews.

	£	s.	d.
In Ships under 60 Tons - -	0	4	0
60 to 100 „ - -	0	7	0
100 to 200 „ - -	0	15	0
200 to 300 „ - -	1	0	0
300 to 400 „ - -	1	5	0
400 to 500 „ - -	1	10	0
500 to 600 „ - -	1	15	0
600 to 700 „ - -	2	0	0
700 to 800 „ - -	2	5	0
800 to 900 „ - -	2	10	0
900 to 1,000 „ - -	2	15	0
Above 1,000 „ - -	3	0	0

And so on for Ships of larger Tonnage, adding for every 100 Tons above 1,000, Five Shillings.

4. Discharge of Seamen separately.

Two Shillings for each.

TABLE Q. (See Section 126.)

Sums to be deducted from Wages by way of partial Repayment of Fees in Table P.

1. In respect of Engagements and Discharges of Crews, upon each Engagement and each Discharge.

	s.	d.
From Wages of any Mate, Purser, Engineer, Surgeon, Carpenter, or Steward	1	6
„ all others except Apprentices	1	0

2. In respect of Engagements and Discharges of Seamen separately, upon each Engagement and each Discharge.

One Shilling.

TABLE R. (See Section 133.)

Fees to be charged on Examinations.

	£	s.	d.
For a Certificate as Master - - - - -	2	0	0
For a Certificate as Mate - - - - -	1	0	0

TABLE S. (See Section 292.)

Number and Dimensions of Boats with which Seagoing Ships are to be provided.

Registered Tonnage		Column 1 — To be carried by Sailing Ships and Steam Ships												Column 2 — To be carried by Sailing Ships and by Steam Ships, when they do not carry the Boats in Col 3.				Column 3 — To be carried by Steam Ships which do not carry the Boat in Col 2								Total Number of Boats		
		Boats				Boats								Launches				Boats				Life Boats						
Sailing Ships	Steam Ships	Number	Length	Breadth	Depth	Number	Length	Breadth	Depth					Number	Length	Breadth	Depth	Number	Length	Breadth	Depth	Number	Length	Breadth	Depth	Sailing Ships	Steam Ships	
Tons	Tons		Ft	Ft In	Ft In		Ft	Ft In	Ft In					Ft	Ft In	Ft In		Ft	Ft In	Ft In		Ft	Ft In	Ft In				
—	1,000 and upwards	1	18	5 6	2 3	2	24	5 6	2 6	1	27	8 6	3 8	2	22	5 6	2 6	2	28	8 6	3 6	–	7					
—	800 to 1,000	1	18	5 6	2 3	2	26	6 6	2 8	1	28	8 0	3 8	2	22	5 6	2 6	–	–	–	–	–	4 or 5					
800 and upwards	500 to 800	1	18	5 6	2 3	2	24	5 6	2 6	1	26	8 0	3 8	2	22	5 6	2 6	–	–	–	–	4	4 or 5					
600 to 800	360 to 500	1	16	5 6	2 3	2	24	5 6	2 6	1	25	7 0	3 6	2	22	5 6	2 6	–	–	–	–	4	4 or 5					
400 to 600	240 to 360	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	–	–	–	–	3	3 or 4					
200 to 400	120 to 240	1	14	5 0	2 2	–	–	–	–	1	20	6 0	3 0	2	22	5 6	2 6	–	–	–	–	2	2 or 3					
100 to 200	60 to 120	1	14	5 0	2 2	–	–	–	–	1	16	5 6	2 9	2	18	5 6	2 4	–	–	–	–	2	2 or 3					
Under 100	Under 60	1	14	5 0	2 2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1					

as the Case may be

Note—In Sailing Ships carrying the Number of Boats above specified, and Steam Ships carrying the larger of the Two Numbers above specified the Boats are to be considered sufficient, if their aggregate Cubic Contents are equal to the aggregate Cubic Contents of the Boats specified.

In Steam Ships carrying the smaller of the Two Numbers above specified, One of the Boats must be a Launch of the Capacity specified in Col 2

In Sailing Ships of 200 Tons Burden and under not carrying Passengers a Dingy may be substituted for the Boat in Col 1

In Sailing Ships of 150 Tons Burden and under not carrying Passengers, a substantial Boat of Capacity sufficient to carry the Crew may be substituted for those above specified

In all Steam Ships Two Paddlebox Boats may be substituted for any Two of the Boats in Col 3

TABLE T (See Section 314)

Fees to be charged for the Survey of Passenger Steamers.

	£	s.	d
For Steamers not exceeding 100 Tons - - - -	2	0	0
For Steamers exceeding 100 and not exceeding 300 Tons -	3	0	0
For Steamers exceeding 300 and not exceeding 600 Tons - -	4	0	0
And for every additional 300 Tons an additional - - -	1	0	0

TABLE U. (See Section 333.)

Rates of Pilotage to be Demanded and Received by Qualified Pilots

OUTWARDS.

From	To	7 Feet, and under.	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hoscley Bay, and vice versâ	Nore Warps - -	3 13 6	4 2 9	4 12 0	5 1 3	5 5 9	6 5 0
	Gravesend, Chatham, Standgate Creek, or Blackstakes -	4 12 0	5 7 9	6 3 3	6 18 0	7 11 9	8 5 6
	Long Reach - -	4 16 6	5 12 3	6 8 0	7 2 6	7 18 3	8 14 9
	Woolwich or Blackwall -	5 5 9	6 1 6	6 17 0	7 11 9	8 10 3	9 4 0
	Moorings or London Docks	5 16 0	6 9 9	7 3 6	7 17 3	8 19 6	9 13 3
The Nore or Warps, and vice versâ -	Gravesend, Standgate Creek, or Blackstakes	1 18 9	2 3 3	2 7 0	2 10 6	2 19 9	3 6 3
	Long Reach or Chatham -	2 6 0	2 10 6	2 15 3	2 19 9	3 9 0	3 18 3
	Woolwich or Blackwall -	2 15 3	3 1 9	3 8 0	3 13 6	4 2 9	4 10 3
	Moorings or London Docks	3 4 6	3 10 9	3 17 3	4 2 9	4 16 6	5 5 9
Gravesend Reach, and vice versâ -	Long Reach - -	0 9 3	0 14 9	1 0 3	1 5 3	1 10 0	1 14 6
	Woolwich or Blackwall -	1 3 0	1 7 6	1 12 3	1 16 9	2 4 3	2 13 6
	Moorings or London Docks	1 7 6	1 14 0	2 0 6	2 6 0	2 15 3	3 4 6
	Sheerness, Standgate Creek, or Blackstakes	2 15 3	2 19 0	3 1 9	3 4 6	3 13 6	4 2 9
	Chatham - -	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0
Long Reach, and vice versâ - -	Woolwich or Blackwall -	0 18 6	1 2 0	1 4 9	1 7 6	1 16 9	2 6 0
	Moorings or London Docks	1 7 6	1 11 3	1 14 0	1 16 9	2 6 0	2 15 3
	Sheerness, Standgate Creek, or Blackstakes	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0
	Chatham - -	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3
Woolwich or Blackwall, and vice versâ	Moorings or London Docks	0 18 6	1 2 0	1 4 9	1 7 6	1 10 0	1 12 3
	Sheerness, Standgate Creek, or Blackstakes	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3
	Chatham - -	4 2 9	4 6 6	4 9 3	4 12 0	5 1 3	5 10 6

- - - - TABLE U. (See Section 333.)

for Piloting Ships within the under-mentioned Limits.

OUTWARDS.										
13 Feet.	14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d	£ s. d.	£ s. d
6 13 6	7 7 3	7 16 6	8 14 9	9 8 6	10 17 0	11 10 0	12 17 6	14 5 3	16 11 3	18 8 0
8 19 6	9 13 3	10 7 0	11 0 9	11 14 6	14 1 6	16 13 0	19 6 6	21 5 0	23 3 9	25 2 3
9 8 6	10 0 0	10 16 3	11 10 0	13 3 6	15 9 0	18 11 9	21 5 0	23 0 0	24 16 9	26 13 6
10 2 6	11 0 9	11 14 6	12 8 6	14 3 6	16 5 9	19 11 0	22 1 6	24 16 9	27 12 0	—
10 11 6	11 10 0	12 8 6	13 2 3	14 14 6	17 0 6	20 10 3	23 4 6	—	—	—
3 11 9	3 15 6	4 2 9	4 10 3	5 1 3	5 16 0	6 8 9	7 14 6	8 14 0	9 13 3	10 12 6
4 2 9	4 7 0	4 13 9	5 5 0	5 16 0	6 15 3	8 5 6	9 13 3	10 12 6	11 11 9	12 15 3
4 19 0	5 8 6	5 16 0	6 4 3	7 2 6	8 3 9	9 4 0	11 11 9	12 11 3	13 16 0	—
5 15 0	6 4 3	6 13 6	7 2 6	8 1 0	9 4 0	11 0 9	12 17 6	13 16 0	—	—
1 19 0	2 3 9	2 8 3	2 13 0	2 17 6	3 2 0	3 6 9	3 11 3	4 12 0	5 10 6	—
3 2 6	3 11 9	3 18 3	4 5 6	4 13 9	5 1 2	6 4 3	7 11 9	8 19 6	9 13 3	—
3 13 6	4 2 9	4 12 0	5 1 3	5 10 6	5 19 6	7 7 3	8 14 9	—	—	—
4 12 0	5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	—	—	—
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	8 5 6	—	—	—
2 15 3	3 4 6	3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	8 5 6	9 4 0	—
3 4 6	3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	7 7 3	9 4 0	—	—
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	9 4 0	—	—
1 16 9	2 1 6	2 6 0	2 10 6	2 15 3	2 19 9	3 4 6	3 9 0	—	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	—	—	—
5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	9 4 0	—	—	—

(*continued*)

TABLE U. (*continued.*) - - -

INWARDS. - - - - - - - -						
From	To	Under 7 Feet.	From 7 Feet to 10 Feet.	11 Feet.	12 Feet.	13 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs - -	Nore, Sheerness, Standgate Creek, Gravesend - -	5 5 0	7 17 6	8 13 3	9 9 0	10 4 9
	Longreach - - -	5 16 0	8 8 6	9 9 0	10 4 10	11 3 0
	Blackwall or London - -	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6
Standgate Creek -	Gravesend - - -	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3

Note 1. Foreign Ships are to pay One Fourth more than British Ships, except when privileged to enter the Ports Ships are to pay the same Rates of Pilotage only as are payable by British Ships.

Note 2. For Half a Foot exceeding the above Draughts of Water, the medium Price between the Two

For putting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs.*	60 Tons, and under 150.	150 Tons, and under 250.	250 Tons, and under 400.	400 Tons, and under 600.	600 Tons, and upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
From off Dungeness to off Folkstone; the Church bearing N.N.W. by Compass - - - - - - -	2 0 0	3 0 0	3 10 0	4 0 0	5 5 0
From off Folkestone to the South Foreland, the Lights in one - -	1 10 0	2 0 0	2 10 0	3 0 0	4 4 0
From off the South Foreland to the Downs	1 5 0	1 5 0	1 10 0	2 0 0	3 3 0

* When the Pilot is put on board by a Boat from the Shore, One Seventh to the Pilot, and the remaining Six Sevenths to the Boat and Crew.

TABLE U. (*continued.*)

INWARDS.									
14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
11 0 6	11 16 3	12 12 0	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
11 18 10	12 18 3	13 14 0	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
12 17 3	14 0 4	14 16 0	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	—	—
6 1 3	6 12 3	7 3 3	7 14 4	8 5 4	8 16 4	9 7 4	—	—	—

of the United Kingdom upon paying the same Duties of Tonnage as are paid by British Ships, in which Cases such Limits.—For intermediate Distances a proportionate Rate.

In the River Thames, above Gravesend,	For a Boat of a Class carrying an Anchor of above 4 Cwt. with a corresponding Tow Line - - -	£2 2 0	Per Trip for the whole Distance from Gravesend to London; and in proportion for any Part of that Distance.
	- - - Do. Do. - -	2 Cwt. 1 1 0	
	- - - Do. Do. - -	under 2 Cwt. 0 15 0	

And for each Man's Service in those Boats, 8*s.* per Tide.

For removing a Ship from Moorings into a Dry or Wet Dock:

For a Ship under 300 Tons - - - - - - -	£0 15 0
- - - 300 to 600 „ - - - - - - -	1 1 0
- - - 600 to 1,000 „ - - - - - -	1 11 6
- - - above 1,000 „ - - - - - - -	2 2 0

TABLE V.—(See Section 455.)

FEES AND REMUNERATION OF RECEIVERS.

	£	s.	d.
For every Examination on Oath instituted by a Receiver with respect to any Ship or Boat which may be or may have been in Distress, a Fee not exceeding - - -	1	0	0
But so that in no Case shall a larger Fee than Two Pounds be charged for Examinations taken in respect of the same Ship and the same Occurrence, whatever may be the Number of the Deponents.			
For every Report required to be sent by the Receiver to the Secretary of the Committee for managing the Affairs of Lloyd's in London, the Sum of -	0	10	0
For Wreck taken by the Receiver into his Custody, a Per-centage of Five per Cent. upon the Value thereof,			
But so that in no Case shall the whole Amount of Per-centage so payable exceed Twenty Pounds.			
In Cases where any Services are rendered by a Receiver, in respect of any Ship or Boat in Distress, not being Wreck, or in respect of the Cargo or other Articles belonging thereto, the following Fees instead of a Per-centage; that is to say,			
If such Ship or Boat with her Cargo equals or exceeds in Value Six hundred Pounds, the Sum of Two Pounds for the first, and the Sum of One Pound for every subsequent Day during which the Receiver is employed on such Service, but if such Ship or Boat with her Cargo is less in Value than Six hundred Pounds, One Moiety of the above-mentioned Sum.			

TABLE W. (See Section 486.)

SALVAGE BOND.

[*N.B.—Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.*]

WHEREAS certain Salvage Services are alleged to have been rendered by the Ship [*insert Names of Ship and of Commander*], Commander, to the Merchant Ship [*insert Names of Ship and Master*], Master, belonging to [*Name and Place of Business or Residence of Owner of Ship*], freighted by [*the same of the Freighter*], and to the Cargo therein, consisting of [*state very shortly the Descriptions and Quantities of the Goods, and the Names and Addresses of their Owners and Consignees*]:

And whereas the said Ship and Cargo have been brought into the Port of [*insert Name and Situation of Port*], and a Statement of the Salvage Claim has been sent to [*insert the Name of the Consular Officer or Vice-Admiralty Judge, and of the Office he fills*], and he has fixed the Amount to be inserted in this Bond at the Sum of [*state the Sum*]:

Now I, the said [*Master's Name*], do hereby, in pursuance of the Merchant Shipping Act, 1854, bind the several Owners for the Time being of the said Ship and of the Cargo therein, and of the Freight payable in respect of such Cargo, and their respective Heirs, Executors, and Administrators, to pay among them such Sum not exceeding the said Sum of [*state the Sum fixed*], in such Proportions and to such Persons as [*if the Parties agree on any other Court, substitute the Name of it here,*] the High Court of Admiralty in England shall adjudge to be payable as Salvage for the Services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my Hand and Seal, this [*insert the Date*] Day of

Signed, sealed, and delivered by the said [*Master's Name*].

(L.S.)

In the Presence of [*Name of Consular Officer or Vice-Admiralty Judge, and of the Office he fills*].

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

Quarter Sessions next ensuing assembled, upon the Representation of the Lord Lieutenant of such County, and of the Colonel or Commandant of such Regiment, Battalion, or Corps, that no such Place has been provided, or that the Place provided is insecure, insufficient, or unfit, being duly satisfied thereof, may and they are hereby required to provide a secure and suitable Place for that Purpose, and to that end they may in their Discretion from Time to Time resolve either to purchase or hire any suitable Buildings or Premises, and, if necessary, to enlarge, alter, or improve the same, or from Time to Time to enlarge, alter, or improve any Buildings or Premises already purchased or hired, or to purchase or take on Lease for any Term not less than Sixty Years any Portion of Land for the Purpose of building and to build or rebuild thereupon secure and suitable Buildings and Premises for the Purpose aforesaid, and, with reference to any such Purchase as is hereby authorized, the Clauses and Provisions of the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, shall be incorporated with this Act; and the Words "Promoters of the Undertaking" in those Clauses shall mean the Persons by this Act authorized to purchase Land; and the Word "Undertaking" shall mean the building or rebuilding, enlarging, or altering of a Place for Militia Stores: Provided always, that the Place to be so hired, purchased, built, altered, or enlarged shall contain an Orderly and Guard Room and Magazine, and a sufficient Yard or Place wherein the Men may be mustered for the Issue and Return of such Arms, Accoutrements, Clothing, and other Stores; provided also, that it shall be at any Time lawful for such Justices, if they think fit, to add to such Buildings Quarters for such Number of the Permanent Staff as may appear to them desirable, and Cells, together with such other Conveniences as may be suitable for the Custody and Accommodation of the Stores; and no Place provided for the keeping of Militia Stores under this or the recited Acts, nor any Buildings or Premises appurtenant thereto, shall be liable to be assessed to any County, Borough, Parochial, or other local Rates or Assessments; and all or any Person or Persons by the Lands Clauses Consolidation Act, 1845, and this Act authorized to sell may grant Leases instead of selling, and for such Term of Years as may be agreed on, and under such Terms and Provisions in all respects as may be agreed on, and either at Rackrent or otherwise, and any Fine or Premium paid on the granting any such Lease shall be paid and applied under the Provisions of the Lands Clauses Consolidation Act, 1845, as if the same had arisen from a Sale made by the Party making the Lease; and the Party taking any Lease for the Purposes of this Act shall be indemnified against the Rent and the Performance of the Covenants in such Lease by and out of the County Rates, and the same shall be raised and paid out of the County Rates in the Manner after provided for

Storehouse to be exempt from local Rates.

for the raising and Payment of Interest on Monies borrowed on Mortgage.

III. Whenever any Place which shall have been provided for keeping the Stores of the Militia shall have become insecure, insufficient, or unfit for that Purpose, or in case the Public Service or Convenience require the Site of the same to be changed, and the Justices of the Peace for the County at General or Quarter Sessions assembled as aforesaid shall have so determined, the Persons in whom such Place may be vested, upon Service upon them of an Order made at any Court of Quarter Sessions of the Peace, setting forth that another and more convenient and proper Place has been provided for the Purpose aforesaid, whereby the Place theretofore provided has become useless, shall proceed forthwith, in such Manner as they shall think best, to sell and convey the same to any Purchaser thereof, freed and discharged from the Uses or Trusts to which it had theretofore been subject, and shall give Receipts and Acquittances for the Purchase Money thereof, and shall pay over such Money, after deducting thereout all Costs and Charges attending such Sale, unto the Treasurer of such County, to be by him applied and paid towards the Cost of purchasing any Ground for the Purpose of building, or of purchasing, building, rebuilding, enlarging, altering, improving, or fitting up any Place, Buildings, or Premises for the Purposes aforesaid, under the Powers of this Act, and the Residue of such Purchase Money (if any) shall be invested in the Public Funds, and the Interest thereof applied in aid of the Rate of such County, according as the Justices of the same, assembled as aforesaid, may direct; provided that no Person purchasing any Place so sold as aforesaid shall be bound to inquire into any Circumstances relating to the Sale thereof, nor be bound to see to the Application nor be answerable for the Non-application or Misapplication of the Purchase Monies; and when and as soon as the Persons in whom such Place shall have been so vested as aforesaid shall have paid to the said County Treasurer the clear Proceeds arising from such Sale, and shall have procured from such Treasurer his Receipt for the same, then and from thenceforth such Persons shall be forthwith discharged from all Liability, Claim, or Demand in respect of the said Place, and of the Proceeds arising from the Sale thereof.

Sale of Place which is not required.

IV. The Sums that may be required for the Hire, Purchase, Enlargement, Alteration, building of, or Addition to any such Place, in case the same shall be approved by the said Lord Lieutenant and Colonel or Commandant, shall, together with the Sums required for the Cost of Fuel and other necessary Expenses incidental to the Use and Maintenance of the Premises, be paid by the Treasurer of such County out of any

Expense of Storehouse, how to be provided for.

any Monies in his Hands arising from County Rates; or if such Treasurer shall at any Time not have sufficient Monies in his Hands, the Justices of such County, in their General or Quarter Sessions assembled, are hereby authorized and required, as soon as may be after receiving Notice that such Monies are or will be required, forthwith to cause the same to be raised by such additional County Rate as shall in their Judgment be sufficient; and the Monies so raised, according to the Laws in force for the Time being relating to County Rates, shall be applied accordingly.

Power to borrow on Mortgage of the County Rates.

V. In order to distribute over a Term of Years the Expenses of purchasing, building, enlarging, or altering such Place as aforesaid hereby directed to be paid out of the County Rate, the Justices of such County in their General or Quarter Sessions assembled may, if they think fit, borrow all or any Part of the Money necessary for the aforesaid Purposes upon Mortgage of the Rates of such County; and every such Mortgage may be in the Form in the Schedule (A.) to this Act annexed, or to the like Effect, and shall be executed by the Chairman and any Two of the Justices present at the General or Quarter Sessions at the Time being, and shall be effectual for securing to the Person advancing the Sum in such Mortgage expressed, his Executors, Administrators, and Assigns, the Repayment thereof, with Interest after the Rate, at the Times, and in the Manner in such Mortgage specified; and any Person entitled to any such Mortgage may transfer his Right and Interest therein to any other Person, such Transfer being made according to the Form in Schedule (B.) to this Act annexed, or to the like Effect; and the Persons to whom such Mortgages or the Transfers thereof are made, their Executors and Administrators, shall be Creditors upon the Rates and Funds thereby expressed to be charged, in an equal Degree one with another according to the respective Sums in such Mortgages mentioned to be advanced by them.

Justices to provide for Interest on Mortgages and Repayment of Principal.

VI. The said Justices in General or Quarter Sessions assembled shall in every Year provide for and cause to be paid out of the County Rate, in the Manner and at the Times in such Mortgages specified, the Monies required for the Time being to pay the Interest on the several Sums borrowed under this Act or the first-recited Act, and then unpaid, and shall also set apart and appropriate a further Sum, not being less than One Thirtieth Part of the Principal Sum originally borrowed upon such Mortgages, and shall apply the same in the Repayment of so much of the said Principal Sums then unpaid as it will extend to discharge, Year by Year, until the whole of such Principal Sums have been repaid; and the said Justices shall, by Agreement with the Parties entitled to such Mortgages, or, in default of Agreement,

Agreement, by such other Means as they deem most equitable and convenient, determine the Order of Priority in which the several Sums advanced shall be repaid.

Power to reborrow.

VII. It shall be lawful for the said Justices, with the Consent of the Parties entitled to such Mortgages, to pay off from Time to Time any of the Monies so borrowed as aforesaid, and to reborrow from Time to Time the Sums necessary for that Purpose, but so nevertheless that all Monies borrowed under this or the first-recited Act shall be repaid within Thirty Years from the Time of first borrowing the same.

Mortgages under former Acts saved.

VIII. All Mortgages made under the Powers of the first-recited Act shall be and remain as valid and effectual, and the Persons entitled to the same shall continue to have the same Rights and Remedies in respect thereof, as they would have had if this Act had not been passed.

Acts done and Contracts made by Deputy Lieutenants shall be valid.

IX. All Acts done by the Deputy Lieutenants of any County for or with reference to the providing of a Place for keeping the Militia Stores, under any of the Acts heretofore in force, shall be deemed good and valid, and all Contracts, Covenants, and Leases made by them for the said Purposes, and under the Powers of the said Acts, are hereby confirmed: Provided, that the Justices of such County shall be deemed to be substituted for the Deputy Lieutenants as the contracting Parties thereto, and such Contracts, Covenants, and Leases shall be respectively construed and put in force as if the same had originally been made and entered into by and with such Justices: Provided also, that in the Case of any Lease subsisting at the Time of the passing of this Act, it shall be lawful for the Justices of the County assembled as aforesaid, with the Consent of the Lessors or their Representatives, and in such Manner and upon such Terms as may be mutually agreed upon, to determine such Lease, and such Justices are hereby authorized to do all such Acts as may be necessary for carrying into effect such Agreement and the Avoidance of such Lease.

Powers given by this Act to extend to Militia of the City of London.

X. All and every the Powers, Authorities, and Directions in and by this Act given to or vested in the Lords Lieutenant, Deputy Lieutenants, and Treasurers of Counties, and the Justices of the Peace in their General or Quarter Sessions assembled shall extend to and include the Commissioners of Lieutenancy for the City of *London* and their Treasurer for the Time being, so far as the same may be applicable to the Militia of the said City.

Municipal Boroughs exempt from County

XI. And whereas there are certain Corporate Towns and Places not liable by Law to the Payment of County Rates, but to which the

Rate to contribute in due Proportion.

Provisions of the Acts relating to the Militia in other respects apply, and it is just that such Towns and Places should contribute in fair and rateable Proportion to the Expenses incurred for the efficient Maintenance of the Militia: Be it therefore enacted, That a proportionate Part of the Expense to be incurred or which may have been incurred by the Counties subsequently to the passing of the Act of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Fifty, in providing, building, enlarging, or altering Places for Militia Stores, and of the Expenses incident to the Use and Maintenance of the Premises, shall be paid and borne, in manner herein-after provided, by all Boroughs incorporated under the Act of the Sixth Year of King *William* the Fourth, Chapter Seventy-six, or any Act amending the same, or under the Provisions of any Charter granted or to be granted under any of such Acts, and which Boroughs are not liable by Law to the Payment of County Rates.

Mode of assessing the Proportions payable by the Boroughs.

XII. In order to determine the Proportion to be contributed by any such Borough to the Expenditure for the Purposes aforesaid of the County in which such Borough is locally situated, the Justices of every such County are hereby authorized and required at some General or Quarter Sessions held by them within Six Calendar Months after the passing of this Act, and the Council of every such Borough are authorized and required at some Meeting of the Council to be held within Three Months after the passing of this Act, to appoint respectively Two Justices of such County and Two Members of such Council, which said Four Persons shall, as soon as conveniently may be after their Appointment, meet together, and shall jointly determine and award the respective Proportions in which the said County and Borough shall contribute to the Expenditure incurred or to be incurred under the recited Acts respectively or this Act, according to the respective annual Values of the Property as rated to the Relief of the Poor within such Borough, and of the Property as rated to the Relief of the Poor and chargeable to the County Rate within such County.

Manner in which the Award is to be made.

XIII. The said Four Persons shall certify the Sum so found by them to be contributable by such County and Borough respectively, by an Award in Duplicate under their Hands and Seals, and shall transmit One Copy of such Award to the Clerk of the Peace for the County, and the other Copy thereof to the Town Clerk of the Borough, who shall respectively keep the same in their Custody, and shall allow all Persons contributing to the County Rates or Borough Rates (as the Case may be) to inspect and take Copies of or Extracts from the same, at all seasonable Hours, without Fee or Reward, and such Award shall, until revoked as herein-after provided, be final and conclusive.

XIV. In

XIV. In case the said Four Persons, or any of them, shall not be appointed as herein-before provided, or, being appointed, shall be unable to agree together as to the Proportion of such Contribution, or shall neglect to meet together, or fail to make any Award within Three Months from the Time of the Appointment of the Two Persons last appointed, it shall be lawful for One of Her Majesty's Principal Secretaries of State, and he is hereby authorized, upon the Memorial of the Justices of such County at their General or Quarter Sessions assembled, to appoint One competent Person to act as Arbitrator between such County and Borough respectively, and such Arbitrator shall be empowered to determine, upon the Basis of the annual Value of Property as assessed as aforesaid, the Proportion of Expenditure which such Borough ought to contribute, and he shall make his Award upon the Matter so determined under his Hand and Seal in Duplicate, and shall transmit the several Copies thereof to the Clerk of the Peace and Town Clerk, who shall perform the same Duties as before provided in respect thereof, and any such Award, until revoked as herein-after mentioned, shall be final and conclusive.

Arbitrator to be appointed in default of Agreement.

XV. In case of the Death or Inability to act of any of such Four Persons or of such Arbitrator, as the Case may be, the Vacancy shall be supplied by the Justices, or the Council, or the Secretary of State by whom the Person so dying or unable to act was appointed within Three Months after such Vacancy has occurred, and so from Time to Time.

Vacancies in Arbitrators to be supplied.

XVI. All Persons appointed under this Act for the Purpose of determining the respective Proportions contributable by any Counties or Boroughs may, without Fee or Reward, inspect or take Copies or Extracts of and from all County or Borough Rates, or Rates made for the Relief of the Poor in any Place whereto their Inquiry extends, and which they may think necessary to be examined, and any Person having the Care or Custody of any such Rate who shall refuse to permit such Inspection, or the taking of Copies or Extracts as hereby authorized, shall be liable on Conviction to a Penalty not exceeding Ten Pounds.

Power to inspect Rates.

Penalty.

XVII. The Sum or Sums which shall be determined, in accordance with such Award as aforesaid, to be contributable by any Borough to the Expenditure incurred or to be incurred by the County under this or the recited Acts or either of them in respect of any Place for Militia Stores, and for their Use and Maintenance, shall be paid from Time to Time by the Treasurer of such Borough to the Treasurer of the County, upon a Warrant under the Hands and Seals of any Two of the Justices present at the General or Quarter Sessions of the County, and

The Borough Treasurer to pay the Sums awarded to the County Treasurer.

and such Payment, for which a Receipt shall be given by the Treasurer of the County, shall be made from Time to Time out of the Borough Rate or Borough Fund of such Borough, or in case at any Time the Monies arising from such Rate or Fund then in the Hands of such Treasurer shall not be sufficient for the Purpose, the Council of such Borough shall forthwith cause the Sum or further Sums so required to be raised by means of a Borough Rate, and to be paid over, according to the Exigency of the said Warrant, to the Treasurer of the County.

Borough may borrow Money on Mortgage.

XVIII. In order to distribute over a Term of Years the Proportion payable by any Borough of the Expense incurred or to be incurred by the County in purchasing, erecting, enlarging, or altering a Place for Militia Stores, it shall be lawful for the Council to borrow any Sum of Money, not exceeding the Proportion so payable by them, and, for the Purpose of securing such Money, to mortgage, with the Consent of Three or more Commissioners of Her Majesty's Treasury, any Part of the Lands, Tenements, and Hereditaments of such Borough, and to repay the Money so borrowed, and the Interest thereof, according to the Terms of such Mortgages, out of the Borough Fund or Borough Rate, and from Time to Time to reborrow, for the Purpose of paying off any Sums so borrowed; provided always, that the whole of the Monies so borrowed, with the Interest thereon, shall be repaid within the Period of Thirty Years from the Time of first borrowing the same.

How Mortgages are to be made.

XIX. Such Mortgages shall be made in the Form in Schedule (A.) to this Act annexed, *mutatis mutandis*, or to the like Effect, and shall be effectual for securing to the Person advancing the Sum in such Mortgage expressed, his Executors, Administrators, and Assigns, the Repayment thereof, with Interest, according to the Terms of such Mortgage, and any Person entitled to any such Mortgage may transfer his Right and Interest therein to any other Person, such Transfer being made according to the Form in Schedule (B.), *mutatis mutandis*, or to the like Effect.

Conveyances and other Instruments exempted from Stamp Duty.

XX. All Conveyances, Leases, Mortgages, Awards, Contracts, Receipts, and other Instruments made for the Purpose of carrying into effect the Provisions of this Act shall be exempt from Stamp Duty.

Stannaries charged to be apportioned.

XXI. Whereas it is necessary to determine by Law the Proportions in which the Counties of *Cornwall* and *Devon* respectively shall contribute to the Expenses incurred or to be incurred in respect to providing a Place for Militia Stores for the Stannaries Corps of Militia, called

called the *Devon* and *Cornwall* Miners Artillery Militia: Be it therefore enacted, That the Lord Warden of the Stannaries shall, within Three Months after the passing of this Act, appoint Four of the Deputy Wardens of the Stannaries, of whom Two shall be Persons acting as Deputy Wardens of the Stannaries of *Devon*, and Two shall be Persons acting as Deputy Wardens of the Stannaries of *Cornwall*, who shall, as soon as conveniently may be after their Appointment, meet together, and shall jointly determine and award the respective Proportions in which the Two said Counties shall respectively contribute, and shall certify the Sum so found by them to be contributable by each of the said Counties by an Award in Triplicate under their Hands and Seals, and shall transmit One Copy thereof to the Clerk of the Peace for the County of *Devon*, and One Copy thereof to the Clerk of the Peace for the County of *Cornwall*, and One Part thereof to the Clerk to the Warden, who shall respectively keep the same in their Custody, and shall allow all Persons contributing to the County Rates of the said Counties to inspect the same at all reasonable Hours without Fee or Reward, and such Award shall, until revoked as herein-after provided, be final and conclusive; but in case the said Four Persons shall be unable to agree together as to the Proportions of such Contribution, or shall fail to make any Award within Three Months from the Date of their Appointment, then the Lord Warden may appoint some other competent Person who shall be empowered to determine and shall award the fair and just Proportion to be contributed by each of the said Counties, and he shall make his Award under his Hand and Seal in Triplicate, and shall transmit the several Parts thereof to the Clerks of the Peace and to the Clerk to the Warden, and such Award shall, until revoked in manner herein-after provided, be final and conclusive: In case of the Death or Inability to act of any of such Four Persons, or of such Arbitrator, as the Case may be, the Vacancy shall be supplied by the Lord Warden of the Stannaries of *Devon* and *Cornwall* within Three Months after such Vacancy has occurred, and so from Time to Time.

Award may be revoked in certain Events.

XXII. At any Time, not being less than Three Years after the Date of any Award made under this Act, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon the Memorial of the Justices of any County in General or Quarter Sessions assembled, or of the Mayor, Aldermen, and Burgesses of any Borough at a Special Meeting of their Council agreed to, if he shall be satisfied that adequate Reasons exist for a Re-adjustment of the Proportions contributable by such County and Borough respectively, to declare by Writing under his Hand that such Award shall be revoked and that a new Award shall be made in the Premises, and thereupon the same

Proceedings shall be had and taken with respect to the Appointment of Persons to determine such Proportions, and of an Arbitrator if necessary, and with respect to the making of the Award and carrying the same into execution, and all Proceedings consequent thereupon in like Manner as are herein-before directed with respect to such Matters respectively in the first instance.

Three Parts of the County of Lincoln, how to be dealt with under this Act

XXIII. And whereas it is necessary to determine by Law the Proportions in which the several Divisions of the County of *Lincoln* known as the Parts of *Kesteven*, *Holland*, and *Lindsey* respectively should contribute to the Expenditure incurred or to be incurred by the said County in respect to a Place for Militia Stores under this or the recited Acts: Be it therefore enacted, That of the Sums which have been subsequently to the passing of the said Act of the Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or which may be hereafter expended from Time to Time for the Purposes aforesaid in respect to the whole Number of Militia raised or to be raised in and for the said County, the Proportions chargeable on the said Parts respectively shall be as follows, namely, on *Lindsey* One Moiety of the whole Sum or Sums, and on *Kesteven* Four Sevenths, and on *Holland* Three Sevenths of the remaining Moiety thereof.

How the several Quotas shall be paid.

XXIV. And whereas a separate and distinct County Rate is now raised, and a separate Commission of the Peace exists in and for each of the said Three Parts or Divisions: Be it enacted, That the Proportion of the whole Charge hereby made payable by each such Part shall be separately raised in and for each Part, and shall be paid and accounted for by the respective Treasurer of each Part, and may be borrowed and secured upon Mortgage of the Rate leviable in each Part respectively, and under the Authority and Control of the Justices acting in and for each Part, and at the General or Quarter Sessions held in and for the same respectively, in like Manner for the Purposes now specified as if each of the said Parts were a distinct and separate County.

Parts of Lincolnshire to be separate Counties, with reference to Contributions from Boroughs and Franchises.

XXV. Each of the said Parts of the County of *Lincoln* shall also be deemed to be a separate County for the Purpose of determining the Proportion in which the several Boroughs and other Places not liable to County Rates situated therein respectively shall contribute to the Expenses incurred or to be incurred as aforesaid under this or the recited Acts, the said several Boroughs and Places being deemed liable to contribute in aid of the several Parts in which they are locally situated respectively; and for the Purposes of this Act the City of *Lincoln* shall be held to be in the Parts of *Lindsey*, and the Borough of *Stamford* in the Parts of *Kesteven*.

XXVI. And

Isle of Ely to contribute in certain Proportion to County of Cambridge.

XXVI. And whereas by the Act of the Seventh Year of King *William* the Fourth and the First Year of Her present Majesty, Chapter Fifty-three, it was among other things enacted, that the *Isle of Ely*, being locally situated in the County of *Cambridge*, should, for the Purposes of Statutes made or to be passed, be deemed and taken to be a Division of a County, but nevertheless the Justices of the said *Isle of Ely* act under a separate Commission of the Peace, and a separate County Rate is made and levied for the said Isle, and it is necessary that Provision be made for the Removal of Doubts touching the respective Liabilities of the said Isle and of the County of *Cambridge*, and the proportionate Sums contributable by each of them respectively to the Expenses incurred and to be incurred by the County under this and the recited Acts in respect to the Militia of the said County and Isle Be it therefore enacted, That of the Sums which have been subsequently to the passing of the said Act of the Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or which may be hereafter expended, from Time to Time, for the Purposes aforesaid, in respect of the whole Number of Militia raised or to be raised in and for the County of *Cambridge*, including the said *Isle of Ely*, the Proportions chargeable on the said County and Isle respectively shall be as follow, namely, on the said County, including the Proportion to be received from the Borough of *Cambridge*, Twelve Nineteenth Parts, and on the said Isle Seven Nineteenth Parts of the whole, and the Proportion so chargeable on the said Isle shall, as to the Amount expended before the passing of this Act, (on Notice in Writing of the Amount thereof being transmitted by Post by the Clerk of the Peace of the County of *Cambridge* to the Clerk of the Peace of the said Isle,) be forthwith paid by the Treasurer of the said Isle, and as to the Amount which may hereafter be expended from Time to Time on the like Notice be paid from Time to Time by the Treasurer of the said Isle to the Treasurer of the said County.

Quotas of the County and Isle to be raised separately.

XXVII. The Sums contributable according to the said Proportions shall be separately raised in and for the said County and Isle, and shall be separately paid and accounted for by their respective Treasurers, and may be borrowed and secured upon Mortgage of the Rates leviable in and for them respectively, and under the Authority and Control of their respective Justices and Courts of General or Quarter Sessions, in like Manner, for the Purposes now specified, as if the said County and the said Isle were Two separate and distinct Counties.

In settling Proportion contributable by Boroughs, &c. the Isle to be included in the County.

XXVIII. For the Purpose of determining the Proportion of Contribution to be made under this Act to the County of *Cambridge* by any Borough or other Place not liable to County Rates situated therein, the *Isle of Ely* shall be deemed to be Part of such County.

XXIX. The

Proportions contributable by Franchises and Places exempt from County Rates.

XXIX. The Provisions of this Act with respect to Boroughs incorporated under the Acts relating to Municipal Corporations, and not liable to County Rates, and with respect to the Mode of determining the Proportion of the Expense incurred by Counties under this or the recited Acts which shall be contributable by such Boroughs, shall apply, *mutatis mutandis*, to every Franchise, Liberty, Borough, or Place not liable by Law to the Payment of County Rates, but not being such Municipal Borough; and the Proportion of the Expenditure incurred or to be incurred by the County in which any such Franchise, Liberty, Borough, or Place is locally situated which shall be contributable by such Franchise, Liberty, Borough, or Place shall be jointly determined by Two Justices of such County appointed as aforesaid, and Two Justices of or Persons appointed to act on behalf of such Franchise, Liberty, Borough, or Place by the Justices thereof at any Meeting specially convened for that Purpose, or if there be not Two Justices then by the Mayor or chief Municipal Officer thereof, or in default of any such Appointment or of the Agreement or Determination of the Persons so respectively appointed, then by an Arbitrator to be nominated as herein-before provided, and the Amount of Contribution so determined shall be paid out of the Liberty Rate or other local Rate in the Nature of a County Rate leviable within such Franchise, Liberty, Borough, or Place, and the other Provisions herein-before contained with respect to the Revocation of the Award, and to the borrowing of Money, and other Matters incidental thereto, shall apply in like Manner to such Franchise, Liberty, Borough, or Place as aforesaid.

Berwick-upon-Tweed to be deemed Part of Northumberland.

XXX. For the Purposes of this Act, the Borough and Town of *Berwick-upon-Tweed* shall be deemed to be situate within the County of *Northumberland*.

Landed Estate to qualify Officers of Militia may be in any Part of the United Kingdom.

XXXI. And whereas the Act of the Forty-second Year of King *George* the Third, Chapter Ninety, contains Provisions concerning the Qualifications in respect of Property to be possessed by Deputy Lieutenants and Officers of the Militia, which Provisions were altered and modified by the recited Act of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Fifty; but it is expedient further to relax the Restrictions imposed in that Behalf by the first-recited Act: Be it enacted, That the Qualification by Possession or Expectancy of Landed Estate in the Manner and of the Value prescribed by the first-recited Act shall be sufficient to qualify any Deputy Lieutenant or other Officer of the Militia for whom by the secondly-recited Act a Qualification in respect of Property is still required, in whatever Part of the United Kingdom such Landed Estate may happen to be situated, and Officers of the Regular Army, the Marines, or *East India*

India Company's Service, who have served Five Years in the Regular Army or *East India* Company's Service, shall be admissible as Captains into the Militia Force without any Qualification being required.

XXXII. And whereas the Penalty imposed by the Sixty-fifth Section of the recited Act of the Forty-second Year of King *George* the Third, Chapter Ninety, has been found to be unnecessary: The said Sixty-fifth Section is hereby repealed.

Section 65 of 42 G. 3. c. 90. repealed.

XXXIII. If any Drummer or Bugler of the Permanent Staff shall absent himself without Leave for a Period exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, and if any Drummer or Bugler of the Permanent Staff shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any other Punishment which he is authorized to award, order that such Drummer or Bugler be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Drummer or Bugler shall forfeit his Pay for the Day or Days of such Imprisonment; and any Drummer or Bugler who shall have absented himself as aforesaid may, in addition to or instead of such Imprisonment and Forfeiture or other Punishment which the Commanding Officer has Authority to inflict, be further deprived, by Order of his Commanding Officer, of his Pay for the Day or Days of such Absence; provided that such Drummer or Bugler so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, be entitled to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeitures; and if any Person who shall have served in Her Majesty's Forces, and shall afterwards have been enrolled as a Non-commissioned Officer on the Permanent Staff of the Militia, shall be discharged from any Regiment or Corps for Misconduct, the Cause of his Discharge shall be certified by the Colonel or Commandant of such Regiments or Corps on the Back of the Certificate of his Discharge from Her Majesty's Army, and a Copy of the same forwarded to the Adjutant General of Her Majesty's Forces, the Secretary of State for the Home Department, and the Secretary-at-War.

Drummers offending in certain Cases, how to be dealt with.

XXXIV. Innkeepers and others who, according to the Provisions of the Act for punishing Mutiny and Desertion, are liable to have Soldiers billeted upon them, shall in like Manner be subject to have the Permanent Staff of the Militia, when disembodied, billeted upon them, and in default of their providing convenient Lodging, with Fire

Permanent Staff to be billeted.

 and

and Candle, as prescribed in the Ninety-fourth Section of the Act of the Forty-second Year of *George* the Third, Chapter Ninety, shall be liable to the Penalties imposed upon Civil Subjects offending against the Laws relating to Billets as prescribed by the said Acts for punishing Mutiny and Desertion.

Repeal of 16 & 17 Vict. c. 133., except ss. 1. 2.

XXXV. The Sections numbered from Three to Twenty inclusive of the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and thirty-three, shall be repealed, provided that such Repeal shall not revive the Provisions of any former Acts which by any of the said Sections were repealed.

Deputy Lieutenants to aid in raising Volunteers for the Militia.

XXXVI. The Deputy Lieutenants of Counties shall severally aid the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties in raising and enrolling Volunteers for such Militia in the several Parishes where such Deputy Lieutenants may be resident, and otherwise as the Lieutenants of such Counties may from Time to Time direct, but no General or Subdivision Meeting shall be holden for that Purpose, unless such Meeting be convened pursuant to any special Order made in this Behalf by One of Her Majesty's Principal Secretaries of State.

Notices of General and Subdivision Meetings to be sent to Deputy Lieutenants by Post.

XXXVII. Notices of the Days and Places of holding General Meetings of Lieutenancy shall be sent by the Post by the Clerk of the General Meetings to the several Deputy Lieutenants of the County Seven Days at the least before the Days appointed for holding such Meetings respectively; and any Notices of Subdivision Meetings required to be given to Deputy Lieutenants or others shall be sent by the Clerk of General Meetings by Post.

Times and Places of Exercise to be appointed without General Meetings of Lieutenancy.

XXXVIII. No General Meeting of Lieutenancy shall be holden for appointing the Times and Places of Training and Exercise of the Militia in *England*, except by the special Order of One of Her Majesty's Principal Secretaries of State; but the Times and Places of Training and Exercise of the Militiamen serving for each County in *England* shall be appointed, with the Approbation of Her Majesty, by the Lieutenant of such County, or by the Vice-Lieutenant in case of the Illness or Absence of the Lieutenant, or in case of the Non-appointment of any Vice-Lieutenant, then by Three Deputy Lieutenants authorized by Her Majesty to act as or in the Place of such Lieutenant when such Lieutenant is out of *Great Britain*, or when there is no such Lieutenant: Provided always, that nothing herein contained shall prejudice or affect the Powers vested in Her Majesty

Majesty under Sections Twenty-six and Twenty-seven of the Act of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Fifty.

How Notices of Times and Places of Exercise to be given.

XXXIX. Notices to Men who are enrolled in the Militia in *England* to attend Training and Exercise shall be sent, by the Order of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps to which such Men belong, by the Post to the Residences of the several Men as stated on their Attestations, or as subsequently notified by them, and Notices shall also be sent by the Post to the Constables, Tithingmen, Headboroughs, and other Officers of the respective Parishes, Tithings, and Places in which such Men are so stated to be resident, with Directions to cause the same to be affixed on the Door or the outer Wall near the Door of every Church and Chapel in their respective Parishes, Tithings, or Places, including Places of Public Worship which do not belong to the Established Church; and if any Place have no Church or Chapel, then in such Manner as Public Notices are usually made known in such Places, and on the Doors or outer Walls as aforesaid of the Churches or Chapels of some Parish, Tithing, or Place adjoining; and every such Constable, Tithingman, Headborough, and other Officer as aforesaid shall, within Three Days after the Receipt of any such Notice, cause the same or Copies thereof to be affixed accordingly; and any such Constable, Tithingman, Headborough, or Officer who wilfully neglects so to do shall for every such Offence, on Conviction thereof before Two Justices, forfeit any Sum not exceeding Twenty Pounds; and such Notice shall be deemed a sufficient Notice to every Person enrolled by virtue of the recited Act of the Fifteenth and Sixteenth Years of Queen *Victoria*, Chapter Fifty, notwithstanding any Omission in the Notices by Post; and any such Man not appearing at the Time and Place appointed in any such Notice shall be subject to be punished and dealt with accordingly.

Penalties for fraudulent Re-enlistment

XL. Any Militia Volunteer who, before the Expiration of his Engagment as a Militiaman in any Regiment, Battalion, or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of Militia, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names, (save in the Way of lawful Renewal of his Engagement,) shall, upon Conviction thereof before any One Justice of the Peace, forfeit and pay any Sum not exceeding Ten Pounds, and in default of such Payment shall be committed to the Common Gaol or House of Correction to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Months, and shall also be liable to the Deduction out of the Bounty which he might otherwise have received in respect of his original

original Enlistment of a Sum equal to what he may have received upon his fraudulent Re-enlistment, and of such further Sum as the Colonel or Commanding Officer of the Regiment, Battalion, or Corps in which he may have originally enlisted shall think proper, or as the Secretary-at-War may from Time to Time direct, not exceeding the Expenses of his Attestation and Enrolment on such fraudulent Re-enlistment.

The Justice before whom a Militiaman is convicted of Re-enlistment in the Militia to send Report of Conviction to Secretary-at-War.

XLI. The Justice before whom a Militia Volunteer shall be convicted of having enrolled or offered to enrol himself in another Regiment, Battalion, or Corps of Militia, or more than once in the same Regiment, Battalion, or Corps of Militia, shall send or cause to be sent to the Secretary-at-War a Report of such Conviction, stating the Name of such Volunteer, the Regiment, Battalion, or Corps of Militia to which he belongs, the Offence of which he has been convicted, and the Sentence or Decision of the Justice thereon, and where such Volunteer shall be imprisoned in pursuance of such Conviction, the Period when the Imprisonment will expire; and for such Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings, and no more; and the Secretary-at-War may transmit to the Justice so convicting an Order for the Payment to any Person who has apprehended and procured the Conviction of such Offender of such Sum not exceeding Twenty Shillings as he shall think fit.

Power to discharge Men from the Militia who have enlisted in the regular Forces.

XLII. It shall be lawful for the Secretary-at-War at any Time to discharge any Militia Volunteer for Misconduct, Unfitness, or other Cause, upon such Conditions as he may from Time to Time direct, and such Volunteer shall have no Claim to future Pay or Bounty, or to release from future Attendance in the Militia any Volunteer who may have fraudulently enlisted into Her Majesty's Regular Forces or into the Forces of the *East India* Company, or who may have fraudulently entered into Her Majesty's Navy, and who has been sentenced to Imprisonment, or to Forfeiture for a Period not exceeding Eighteen Calendar Months of One Penny a Day from his Pay in such Forces or Navy; and any Man so released shall serve with the Force which he may have enlisted into or entered in the United Kingdom or elsewhere, with the like Liabilities in all respects as any Soldier or Seaman in such respective Force, and his Place in the Militia shall be supplied in like Manner as if his Term of Service as a Militiaman had expired by Efflux of Time.

Provision for withholding Payment of Bounty from

XLIII. Any Bounty which, under the Regulations made or to be made under the said Act of the Fifteenth and Sixteenth *Victoria*, Chapter Fifty, may be payable during or in respect of Attendance

at

at Training and Exercise shall be forfeited by any Man who wholly absents himself from such Training and Exercise without Leave lawfully granted, or Sickness, certified according to such Regulations; and any such Bounty which would otherwise be payable to any Man who partially absents himself as aforesaid without such Leave, or Sickness, certified as aforesaid, or who misconducts himself during the Training, shall be wholly withheld, or issued only in such Manner and in such Portions as the Secretary-at-War, upon the Report of the Commanding Officer, shall determine.

Men wrongfully absent from Training.

XLIV. No Man, by reason of his Enrolment or Service in the Militia, or in the Naval Coast Volunteers, shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess, or may have possessed at the Time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Enrolment in Militia not to cause Forfeiture of any Interest in any Benefit Society.

XLV. Every Militiaman raised under the recited Act of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Fifty, (not labouring under any certified Infirmity or Incapacity,) who shall not appear at the Time and Place appointed for his being exercised (Notice having been given as by Law required), or who, having joined (the Regiment, Battalion, or Corps to which he belongs, or any Company or Companies or any Detachment or Division thereof, shall desert or absent himself during the Time of any such Exercise, shall be deemed a Deserter, and, upon Conviction thereof before any Justice of the Peace, be liable to forfeit and pay a Sum not exceeding Ten Pounds; and if such Penalty shall not be immediately paid the said Justice shall sentence such Militiaman to the House of Correction or to the Common Gaol, there to be imprisoned, with or without Hard Labour, for any Period not exceeding Three Months, unless the said Penalty be sooner paid; provided, that any Information may be laid against such Militiaman under this Section at any Time within the Period of his Engagement in the Militia.

Punishment of Men not attending, or absenting themselves during Training, and not taken till after.

XLVI. The Commanding Officer of any Regiment, Battalion, or Corps of Militia shall notify to the Secretary-at-War, and to the Constables, Tithingmen, Headboroughs, or other Officers of the Parishes, Tithings, and Places in which Militiamen reside who have not attended Training and Exercise, or who may have absented themselves

Provision for Apprehension of Militiamen not attending or absenting

themselves during Training.

selves during the Time of Training and Exercise of their respective Regiments, Battalions, or Corps, the Names and Descriptions of all such Militiamen who have so absented themselves; and it shall be lawful for any Constable, Tithingman, Headborough, or Officer, or for any Officer or Soldier in Her Majesty's Service or in the Militia, to apprehend or cause any such Militiaman to be apprehended, and to bring him or cause him to be brought before any Justice of the Peace, at any Time within the Period of his Engagement in the Militia, to be dealt with as herein-before mentioned, or to be committed to safe Custody until an Escort can be sent for him, if such Regiment, Battalion, or Corps be then out for Training and Exercise; and such Justice shall transmit a Report, in the Form prescribed in Schedule (C.) annexed to this Act, to the Secretary-at-War, and the Secretary-at-War shall transmit to such Justice an Order for the Payment to the Person or Persons by whom such Militiaman was apprehended and secured of such Sum not exceeding Twenty Shillings as the Secretary-at-War may think fit.

Penalty for inducing Militiamen to absent themselves, or harbouring or employing Militiamen absenting themselves.

XLVII. Any Person who by Words or other Means shall persuade any Militiaman improperly to absent himself from his Duty, and every Person who shall assist or procure any such Volunteer improperly to absent himself as aforesaid, or shall conceal, employ, or continue to employ any such Volunteer, knowing him to be so improperly absent, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Penalty for buying Arms or Militia Stores.

XLVIII. The One hundred and second Section of the Act of the Forty-second Year of King *George* the Third, Chapter Ninety, shall be repealed, and if any Person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any Militia Arms, Clothes, or Accoutrements, or any such Articles belonging to a Militiaman as are generally deemed Regimental Necessaries according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or any Public Stores or Ammunition delivered for the Militia, upon any Account or Pretence whatsoever, contrary to the true Intent and Meaning of this Act, and of the other Acts in force relating to the Militia, the Person so offending shall for every such Offence forfeit and pay not exceeding Ten Pounds; and if such Penalty be not immediately paid, and the Offender shall not have sufficient Goods and Chattels whereon to levy the same, the Justice by whom such Offender was convicted shall commit him to the House of Correction or Common Gaol, there to be imprisoned, with or without Hard Labour, for any Period not exceeding Six Months, unless the said Penalty be sooner paid.

XLIX. All

XLIX. All Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any time happen to be; and all such Penalties and Forfeitures, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in *England* or *Wales* under the Provisions of an Act passed in the Twelfth Year of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.*

Recovery of Penalties.

11 & 12 Vict. c. 43.

L. One Moiety of every pecuniary Penalty or Forfeiture imposed under this Act upon any Person duly convicted of buying, taking in exchange, concealing, or otherwise receiving contrary to Law any Militia Arms, Clothes, Accoutrements, or Regimental Necessaries belonging to any Militiaman, or any Public Stores or Ammunition for the Service of the Militia, and every pecuniary Penalty or Forfeiture imposed under this Act upon any Person assisting, procuring, or persuading any Militia Volunteer improperly to absent himself from his Duty, or concealing, employing, or continuing to employ any such Volunteer, knowing him to be so improperly absent, shall go to the Person who shall inform or sue for the same, and the other Moiety, or where the Offence shall be proved by the Person who shall inform then the whole of the Penalty, shall be paid over and applied in such Manner as the Secretary-at-War shall direct, anything in any other Act to the contrary notwithstanding; and every Justice who shall adjudge any such Penalty or Forfeiture shall, within Four Days at the furthest, report the same and his Adjudication thereof to the Secretary-at-War.

Application of certain Penalties.

LI. All Penalties imposed by this Act upon Militiamen (except the Deductions from Bounty, which shall be brought to Public Credit,) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or other Bodies of Militia of the respective Counties to which the Militiaman belongs, and shall be made and accounted for as Part of the Public Stock of such Regiment, Battalion, or other Body of Militia respectively.

Application of Penalties on Militiamen.

LII. Section Ninety-eight of the Act of the Forty-second Year of *George* the Third, Chapter Ninety, which requires Returns of the State of the Classes of the Men belonging to each Company of Militia called out to Exercise, shall be and remain suspended so long as the raising of the Militia by Ballot shall be suspended.

Section 98. of 42 G. 3. c. 90. suspended.

LIII. Any

Volunteers under Instruction in the Army to be under Mutiny Act.

LIII. Any Militia Volunteer attached for a Time for the Purpose of Instruction to any Regiment, Battalion, or Depôt of Her Majesty's Forces, or Permanent Staff of a Regiment of Militia, shall for such Time be deemed to be under the Operation of the Mutiny Act, and under the Command of the Officer commanding such Regiment, Battalion, Depôt, or Permanent Staff of a Regiment of Militia.

Act to extend to Stannaries of Cornwall and Devon.

LIV. All Things in this Act contained shall be construed to extend, and shall be applicable, as far as may be, to the Stannaries of *Cornwall* and *Devon*, to the Lord Warden and to the Deputy Wardens of the Stannaries, and to the Corps of Miners of *Cornwall* and *Devon*.

Secretary of State to have Power to move Regiments not embodied into any Quarters in the United Kingdom

LV. The Secretary of State shall have Power to move any Regiment of Militia not embodied into any Quarters in any Part of the United Kingdom during the Period of their Training.

Persons qualified to act as Surgeons in the Army to be held to be qualified for the Militia.

LVI. All Persons possessing Diplomas, Certificates, or Qualifications held to qualify such Persons to act as Surgeons or Assistant Surgeons in the Army shall be held to be duly qualified to serve as Surgeons or Assistant Surgeons in the Militia.

Short Title.

LVII. This Act may be cited for all Purposes as "The Militia Law Amendment Act, 1854."

Interpretation.

LVIII. The Word "County" in this Act shall include any Riding or Division of a County, having a separate Commission of the Peace, unless there be something in the Subject or Context repugnant to such Construction; and the Word "Treasurer" in this Act shall include the Treasurer of any Riding, Division, or Portion of a County for which there shall be a separate Treasurer, although such Riding, Division, or Portion of a County shall not have a separate Commission of the Peace.

SCHE-

SCHEDULES to this Act.

SCHEDULE (A.)

Form of Mortgage.

By virtue of the "Militia Law Amendment Act, 1854," we *A.B.* the Chairman, and *C.D.* and *E.F.* Justices of the Peace, assembled at the Court of General or Quarter Sessions of the Peace for the County of [*or* the Mayor, Aldermen, and Burgesses of the Borough of , *or as the Case may be*], in consideration of the Sum of paid to the Treasurer of the said County [*or* Borough] by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the [*here describe the Rates or Property intended to be mortgaged*] as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said , to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied (the Principal Sum to be repaid within not less than Years from the Date hereof). In witness whereof we have hereunto set our Hands and Seals, (*or* Given under our Corporate Seal,) this Day of 18 .

(L.S.)

SCHEDULE (B.)

Form of Assignment of Mortgage.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby assign* to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, numbered , made by the Justices of the County of [*or* the Mayor, Aldermen, and Burgesses of the Borough of *or as the Case may be*,] bearing Date the Day of for securing the Sum of and Interest thereon, [*or*, (*if such Transfer be by Indorsement*)* the within Security,] and all my Right and Interest to and in the Monies thereby secured, and the Rates (*or* Lands, Tenements, and Hereditaments,) thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of 18 .

(L.S.)

SCHEDULE (C.)

REPORT.

DESCRIPTIVE RETURN of committed to Confinement at on the Day of as an Absentee from he Training of the Regiment of Militia.

Age - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - -	
Eyes - - - - -	
Marks - - - - -	
Probable Date of Enrolment, and where -	
Probable Date of absenting himself, and from what Place - - - -	
Name, Occupation, and Address of the Person by whom apprehended* - -	
Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds, and whether committed for safe Custody only, or as a Deserter under this Act, and if so, for what Period - - -	

* It is important for the Public Service, and for the Interest of the Prisoner, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he† absent himself from the before-mentioned Corps.

——————*Signature and Address of Magistrate.*
——————*Signature of Prisoner.*
——————*Signature of Informant.*

† Insert "did" or "did not," as the Case may be

I certify, that I have inspected the Prisoner, and consider him‡ for Military Service.

——————*Signature of Military Medical Officer, or* ‖*Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. CVI.

An Act for amending the Laws relating to the Militia, and raising a Volunteer Militia Force, in *Scotland*. [11th *August* 1854.]

WHEREAS it is expedient to amend the Laws relating to the Militia in *Scotland*, and to make Provision for raising a Militia Force in *Scotland* by voluntary Enlistment: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Militia (*Scotland*) Act, 1854." Short Title.

Appointment of Lieutenants, Deputy Lieutenants, and Officers.

II. In regard to the Appointment of Lieutenants and other Officers for the Purposes of the Militia in *Scotland*, the same shall be regulated as follows: It shall be lawful for Her Majesty from Time to Time to constitute and appoint Lieutenants for the several Counties in *Scotland*; and the said Lieutenants severally shall from Time Her Majesty to appoint Lieutenants of Counties, who shall appoint Deputies, and Officers

of Militia, whose Names and Ranks shall be certified to Her Majesty.

Time to Time constitute and appoint such Persons as they shall think fit, being qualified as herein-after directed, and living within their respective Counties, to be their Deputy Lieutenants (the Names of such Persons having been first presented to and approved by Her Majesty); and the said Lieutenants shall, in manner herein-after mentioned, also appoint such Colonels, Lieutenant Colonels, Majors, and other Officers to be hereafter made for the Militia of such County as may be authorized, and being qualified as herein-after directed.

Vice-Lieutenant, authorized by the Lieutenant, may, in his Illness, &c., grant Commissions, and act as Lieutenant

III. It shall be lawful for the Lieutenant of any County to constitute and appoint any One of the Deputy Lieutenants of such County to be Vice-Lieutenant thereof; and it shall be lawful for such Vice-Lieutenant, in any Case of the Illness or necessary Absence from such County of such Lieutenant, and being in the Case of such Absence authorized for that Purpose by the Lieutenant, to grant Commissions to Officers to serve in the Militia of such County, in like Manner as the Lieutenant thereof, and to do all Acts which might lawfully be done by the Lieutenant, and the same shall be good and valid in Law as if done by or to the Lieutenant himself.

Three Deputy Lieutenants may be authorized to act when the Lieutenant shall be out of the Kingdom, or where there shall be none.

IV. When the Lieutenant of any County shall be out of the Kingdom of *Great Britain*, or when there shall be no Lieutenant, it shall be lawful for Her Majesty to authorize any Three Deputy Lieutenants of such County to grant Commissions to Officers to serve in the Militia for such County, in such Manner as such Lieutenant could do, and to do all other Acts which might lawfully have been done by the said Lieutenant, and the same shall be good and valid in the Law as if done by or to the said Lieutenant himself.

Commissions not to be vacated by the Revocation of the Power of the Grantor.

V. No Commission of any Deputy Lieutenant, nor any Commission of any Officer in the Militia to be henceforth granted by any Lieutenant, Vice-Lieutenant, or Deputy Lieutenants, shall be vacated by reason of the Revocation, Expiration, or Discontinuance of the Commission by which any such Lieutenant, Vice-Lieutenant, or Deputy Lieutenants as aforesaid was or were appointed.

Qualifications of Deputy Lieutenants and Officers.

Qualifications of Vice-Lieutenants, Deputy Lieutenants, and Officers, except within the City of Edinburgh.

VI. All Persons to be hereafter appointed Deputy Lieutenants or Officers of the Militia (except within the City of *Edinburgh* and its Liberties) shall be qualified as follows; (that is to say,) every Person so to be appointed a Deputy Lieutenant shall be in possession, either in his own Right or in right of his Wife, of a Real Estate in Property in the United Kingdom of Three hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be

be in possession in like Manner of a like Estate; and every Person so to be appointed a Colonel shall be in possession in like Manner of a like Estate as aforesaid of Six hundred Pounds Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate; and every Person so to be appointed a Lieutenant Colonel shall be in possession in like Manner of a like Estate as aforesaid of Four hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate; and every Person so to be appointed a Major or a Captain shall be in possession in like Manner of a like Estate as aforesaid of Three hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate, or shall be a younger Son of some Person who shall be or at the Time of his Death was in possession in like Manner of a like Estate; of which said Estates required as Qualifications for Deputy Lieutenants, Colonels, Lieutenant Colonels, Majors, and Captains respectively it shall not be necessary that any Portion shall be situate or arising within the respective Counties in which they shall be appointed to serve, or within *Scotland.*

Qualifications within the City and County of the City of Edinburgh.

VII. Within the City and County of *Edinburgh* and Liberties thereof the Lieutenant of the said City, or where there is no Lieutenant appointed then the Chief Magistrate thereof, shall appoint the Deputy Lieutenants within the said City; and shall also appoint Officers of the Militia, whose Number and Rank shall be proportionable to the Number of Militia Men which the said City shall raise as its Quota towards the Militia of the County to which the said City may be united for the Purposes aforesaid, and Provisions made by this Act with respect to the Counties at large and the Militia thereof shall take place and be in force with respect to the said City and its Liberties and the Militia thereof; and the Qualifications of Deputy Lieutenants and Officers of the Militia of such City and its Liberties shall be as follows: Every Deputy Lieutenant shall be in possession, either in his own Right or in right of his Wife, of a Real Estate in Property within the said City and Liberties thereof of One hundred Pounds of Real Rent; and every Lieutenant Colonel shall be in possession in like Manner of a like Estate as aforesaid of Two hundred Pounds of Real Rent; and every Major or Captain shall be in possession in like Manner of a like Estate as aforesaid of One hundred Pounds of Real Rent: Saving always and reserving to the Royal College of Surgeons in *Edinburgh* all Rights, Immunities, Privileges, and Exemptions of which the said College may have been and still are in the lawful Possession, and the Benefit of any Act or Acts of Parliament passed heretofore in their Favour.

VIII. Where

The Lieutenant, with the Approbation of Her Majesty, may appoint the Provost of any Royal Burgh, or Three resident Persons, to be Deputies of the Subdivision.

VIII. Where it shall appear necessary to any Lieutenant of a County that a Deputy Lieutenant or Deputy Lieutenants should be resident in any Royal Burgh within the County of which he is Lieutenant, it shall be lawful for such Lieutenant, with the Approbation of Her Majesty, to appoint the Provost of such Burgh for the Time being, or any Persons, not being more than Three, resident in such Burgh, who shall be respectively in possession of a Real Estate in Property within such Burgh of One hundred Pounds of Real Rent, to be Deputy Lieutenant or Deputy Lieutenants of the Subdivision of such County within which such Burgh is situated.

Qualification of Deputy Lieutenant or Officer may arise from Personal Estate.

IX. For the Purpose of the Qualification of any Deputy Lieutenant and of any Officer in the Militia, a clear yearly Income arising from any Personal Estate within the United Kingdom of *Great Britain* and *Ireland*, of or to which Personal Estate and the yearly Income thereof such Deputy Lieutenant or Officer, or the Wife of such Deputy Lieutenant or Officer, is possessed or entitled for his or her own Use and Benefit, shall be deemed equivalent to an Estate in Lands or other Heritage within the United Kingdom, or, in the Case of the City of *Edinburgh*, or Burghs within the City or Burgh respectively, of the same Amount of Real Rent, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly.

Persons holding certain Military Ranks may be appointed Field Officers, though not possessed of Property Qualifications.

X. Officers of the Regular Army, the Marines, or *East India* Company's Service, who have served Five Years in the Regular Army or *East India* Company's Service, shall be admissible as Captains into the Militia Force without any Qualification; and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any such Qualification, be appointed a Lieutenant Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

No Qualification required under Rank of Captain

XI. No Property or other Qualification shall be required in the Case of Persons to be appointed Officers in the Militia, save as respects Appointments to the Rank of Captain or any higher Rank.

General Meetings of Lieutenancy.

General Meetings of Lieutenancy to be held only in certain Cases.

XII. No General Meeting of Lieutenancy shall be held in any County under the Powers of the Militia Acts, except when called under the Authority of One of Her Majesty's Principal Secretaries of State.

Mode

Mode of Appointment and Rank of Officers.

XIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to make Regulations limiting the Ages at which Persons may be appointed Officers of the several Ranks in the Militia, and for securing the Appointment of Persons as such Officers who are qualified to discharge the Duties of Officers of their respective Ranks, and also for that Purpose to prescribe by such Regulations any Conditions, as to Drill, Training, and Exercise, or otherwise, under or subject to which any such Appointment shall be made.

Secretary of State may make Regulations as to Appointment of Officers.

XIV. All Officers now holding Commissions in the Regular Militia may, subject to such Regulations as may hereafter be made by the Secretary of State, continue to hold such Commissions in the Militia to be raised under this Act, and to rank in the Militia Service according to the Dates of the Commissions now held by them respectively; and all Officers now holding such Commissions as aforesaid who shall not be so continued under this Act shall, notwithstanding, continue to hold their present Titles and Ranks as Officers of the Militia; and nothing herein contained shall extend to deprive such Officers not so continued of any Allowances to which they may now be entitled in respect of having held Commissions in the Militia when the same was last disembodied, or otherwise in respect of past Services, or to affect the Provisions authorizing the Grant of any retired or other Allowances to such Officers in respect of having held Commissions or of past Services as aforesaid.

Existing Officers who are qualified for Service may continue.

Officers not so continued shall retain their Ranks.

XV. Every Officer of any Militia Regiment or Battalion who may have accepted or shall accept a Commission or Appointment of the same Rank in any other Militia Regiment or Battalion, and shall thereby vacate his former Commission, shall continue to rank in the general Service according to the Date of his Commission or Appointment of the same Rank in the Militia so vacated as aforesaid.

Rank of Officers accepting Commissions in other Regiments.

XVI. The different Field Officers commanding Battalions shall be appointed as follows: Where Two or more Counties are joined together to form a Battalion, the Lieutenant Colonel shall be appointed by the Lieutenant of the County furnishing the greatest Number of Private Men, and the Major shall be appointed by the Lieutenant of the County furnishing the next greatest Number; and where One County of itself forms One Battalion, then the Lieutenant Colonel and Major shall be appointed by the Lieutenant of the County forming such Battalion: Provided always, that when the Appointment of a Colonel shall be authorized, such Appointment shall be

How the Field Officers shall be appointed.

As to a County not furnishing

sufficient Men for a Company

be made by the Lieutenant entitled to appoint the Lieutenant Colonel: Provided further, that where any County does not furnish Men sufficient to form a Company, the Lieutenant of such County shall not appoint any of the Field Officers.

Where Commandant shall be absent from Great Britain, Her Majesty may direct the Officer next in Command to act for him, who shall be vested with the same Powers till the Commandant shall return, and notify his Arrival.

XVII. When any Colonel or other Commandant of any Regiment or Battalion of Militia shall be absent from *Great Britain*, and until he shall return to *Great Britain*, and shall have notified his Arrival to the Clerk of the General Meeting of Lieutenancy of the District to which such Regiment or Battalion shall belong, and to the Commanding Officer and Adjutant thereof, it shall be lawful for Her Majesty, by Warrant under Her Sign Manual, to direct and order that the Officer next in Command, who shall be residing in *Great Britain*, shall in all Cases act and serve as the Commandant of such Regiment or Battalion; and such Officer shall thereupon exercise all Powers and Rights and perform all Duties which might or ought to be performed or exercised by such Colonel or other Commandant as aforesaid, as fully and to the same Effect as he might have done if resident, and shall be subject to the same Responsibility in so acting as such Colonel or other Commandant would have been: Provided always, that such Officer so next in Command as aforesaid who shall assume the Powers so given to him as aforesaid, in consequence of the Absence from *Great Britain* of his Colonel or other Commandant, shall within Seven Days after he shall assume any such Powers notify the Absence from *Great Britain* of such Colonel or other Commandant to the Lieutenant of the County, and also, when the Regiment or Battalion shall be in actual Service, to the Secretary-at-War; provided also, that any Order, for Clothing or other Necessaries, or for Accoutrements, being given by proper Authority at the Time for the Use of the Regiment or Battalion, shall be completed, and the Money to be issued in respect thereof shall be paid to the Order of the Officer who gave the same, notwithstanding the Absence or Return of the Colonel or other Commandant as aforesaid.

Orders given by the Commandant, &c. for Clothing or Accoutrements shall be completed, and the Money paid to his Order, though he may leave Great Britain.

How the Captains and Subalterns shall be appointed.

XVIII. The Captains and Subalterns of Companies shall be appointed as follows: Where the Men furnished by Three or more Counties only form One Company, the Lieutenant of the County furnishing the greatest fractional Part of a Company shall appoint the Captain, the Lieutenant of the County furnishing the next greatest fractional Part of a Company shall appoint the Lieutenant, and the Lieutenant of the County furnishing the next greatest fractional Part of a Company shall appoint the Ensign; and where the Men furnished by Two Counties only form One Company, the Lieutenant of the County furnishing the largest fractional Part of such Company shall appoint the Captain, and the Lieutenant of the

the other County shall appoint the Lieutenant and Ensign; and where any County shall furnish Men sufficient for One or more complete Company or Companies, the Captains, Lieutenants, and Ensigns of such Company or Companies shall be appointed by the Lieutenant of such County.

Her Majesty may direct Supernumerary Officers to be appointed to Men trained for the Service of Artillery.

XIX. If Her Majesty shall at any Time direct that any Proportion of the said Militia shall be trained and exercised to the Service of any Artillery that may be attached to any Regiment or Battalion of Militia, it shall be lawful for Her Majesty to direct that a Supernumerary Officer or Officers of the said Regiment or Battalion of such Rank as Her Majesty shall order, and being duly qualified as aforesaid, shall be appointed to and for the said Men so directed to be trained and exercised as aforesaid.

The Lieutenant authorized to name the Colonel may, with the Approbation of Her Majesty, appoint a Surgeon.

XX. It shall be lawful for the Lieutenant of the County, who is authorized by this Act to name the Lieutenant Colonel of any Regiment or Battalion of Militia, with the Approbation of Her Majesty, to appoint One fit and proper Person, who shall possess a Diploma, Certificate, or Qualification which is held to qualify such Person to act as Surgeon or Assistant Surgeon in the Army, to be Surgeon of such Regiment or Battalion; and every such Appointment shall recite the Diploma or Certificate of the Person so appointed, and an attested Copy thereof shall be transmitted to and deposited with the Clerk of the General Meetings of Lieutenancy; and every such Surgeon so appointed as aforesaid shall, during the Time of the Militia to which he shall belong being embodied, be subject to the like Rules, Restrictions, and Directions in every respect as a Surgeon of Infantry in Her Majesty's other Forces, as far as the same may be applicable; and no such Surgeon shall be capable of holding any other Commission in such Militia during the Time of his being such Surgeon as aforesaid.

Her Majesty to appoint Adjutants from the Army or Militia, who shall preserve their Rank in the Army, and may be appointed to the Rank of Captain.

XXI. Her Majesty may and shall appoint One proper Person, who shall have served in some of Her Majesty's other Forces, or in the Militia of *England* or of *Scotland*, while embodied, for the Term of Five Years at the least, to be an Adjutant to each Regiment or Battalion of Militia; and such Adjutant, if appointed out of Her Majesty's other Forces, shall, during his Service in the Militia, preserve his Rank in the Army in the same Manner as if he had continued in that Service; and it shall be lawful for the Lieutenant of any County, on the Recommendation of the Colonel or other Commandant of any Regiment or Battalion of Militia, to appoint the Adjutant of such Regiment or Battalion to serve with the Rank of Captain, although such Adjutant may not have the Qualification

tion required by this Act for Captains: Provided always, that no such Appointment to the Rank of Captain shall be valid unless in the Instrument granting the same it be specified in what Regiment or Battalion of the Militia while embodied, or of Her Majesty's other Forces, such Adjutant hath served for the Period aforesaid, and what was or were the Date or Dates of his Commission or Commissions: Provided also, that no Adjutant so appointed to serve with the Rank of Captain shall, by virtue of the Date of such Appointment as aforesaid, or otherwise, be entitled to rank above or to command any Captain of a Company in the Militia: Provided further, that no such Adjutant shall, by reason of any such Appointment as aforesaid, be entitled to receive any greater or other Pay than that of Adjutant.

Her Majesty to appoint Quartermasters, &c., and Colonels to appoint Corporals and Drummers.

Colonel may appoint Drum Major.

XXII. It shall be lawful for Her Majesty to appoint from Time to Time such Persons as to Her Majesty may seem proper to be Quartermasters, Paymasters, Sergeant Majors, and Sergeants of the Militia; and Corporals and Drummers of the Militia shall be appointed by the Colonel or other Commandant of each Regiment or Battalion in such Proportions as Her Majesty may direct; and the Colonel or other Commandant of every Regiment or Battalion in actual Service may appoint a Drum Major; and all Sergeants, Corporals, and Drummers, having received any Pay as such from any Regiment or Battalion, shall be deemed to be engaged and compellable to serve in such Regiment or Battalion until they shall be legally discharged; and any Sergeant, Corporal, or Drummer may be discharged by the Colonel or other Commandant: Provided always, that while any Regiment, Battalion, or Corps of Militia is drawn out and embodied, it shall be lawful for the Colonel or Commanding Officer of such Regiment, Battalion, or Corps to appoint from Time to Time the Sergeant Major and Sergeants of such Regiment, Battalion, or Corps, as Occasion may require, for supplying any Vacancy or Vacancies, or completing the full Number of such Sergeants; provided also, that no Person who shall keep any House of public Entertainment, or who shall sell any Ale or Wine, or any Brandy or other Spirituous Liquors, by Retail, shall be capable of being appointed or of serving or receiving Pay as a Sergeant, Corporal, or Drummer in the Militia.

While Militia is embodied, Colonels to appoint Sergeants;

but no Publican shall be a Sergeant, Corporal, or Drummer.

No Adjutant, &c. to be appointed Captain of a Company.

XXIII. No Adjutant, Paymaster, or Quartermaster in the Militia shall be capable of being appointed Captain of a Company, nor shall any Person holding the Commission of Captain of a Company be capable of being appointed Adjutant, Paymaster, or Quartermaster of Militia.

XXIV. In

Militia (Scotland).

XXIV. In case Her Majesty's Lieutenant for any County, or the Colonel or Commandant of any Regiment or Battalion of Militia shall be desirous of keeping up a greater Number of Drummers than is herein directed to be employed as Fifers or Musicians for the Use of any such Regiment or Battalion, and shall be willing to defray the Expense of such additional Drummers, it shall and may be lawful for such Lieutenant or Colonel or other Commandant to engage and retain in their respective Regiments or Battalions any Number of the Drummers employed or to be employed over and above the Number established by this Act, to act as Fifers or Musicians in their respective Regiments or Battalions; and all such Drummers so engaged or retained to serve in any such Regiment or Battalion as Fifers or Musicians shall be deemed as Drummers of Militia within the Meaning of this Act, to all Intents and Purposes whatsoever, and shall be subject to the same Orders, Regulations, Penalties, and Punishments as other Drummers of Militia are by this Act subject, and shall continue to serve as Drummers so long as they shall receive from the Lieutenant of the County or Colonel or Commandant by whom they were appointed the same Pay and Clothing as other Drummers have, or better Clothing in lieu thereof, and no longer.

Extra Drummers may be kept as Fifers or Musicians, at the Expense of the Regiment.

XXV. All Persons, on their first entering the Militia, whether as Sergeants, Corporals, Drummers, or Private Militia Men, shall, on their so entering the Militia, and previous to their being enrolled therein, take the following Oath; (that is to say,)

'I *A.B.* do solemnly promise and swear, That I will be faithful to 'Her Majesty Queen Victoria, Her Heirs and Successors, and 'that I will faithfully serve in the Militia in any Part of Great Britain 'or Ireland, for the Defence of the same, until I shall be discharged.'

And it shall be lawful for any One Deputy Lieutenant or Justice of the Peace or Commissioned Officer of the Regiment to administer the said Oath.

Oath to be taken by Persons entering Militia.

Raising of Men for the Militia.

XXVI. And in regard to the raising of Men for the Militia, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to raise and from Time to Time to keep up any Number not exceeding Ten thousand Private Militia Men, to serve for the several Counties in *Scotland*.

Number of Militia to be raised.

XXVII. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, forthwith after the passing of this Act, and afterwards from Time to Time as Occasion may appear to Her Majesty to require, to ascertain and fix the Number of Militia Men who shall

Quotas of Counties to be fixed by Order in Council.

serve for each County, and the Numbers so fixed as aforesaid shall be transmitted to the respective Lieutenants of the said Counties from Time to Time, and Notice of the same shall be published in the "*Edinburgh Gazette*," and the Numbers so from Time to Time appointed by Her Majesty shall be the Quotas of the several Counties and Places until other Quotas are appointed in like Manner.

Her Majesty may direct into what Regiments, &c. Militia shall be formed, and with what Officers and Staff.

XXVIII. It shall be lawful for Her Majesty, by Order signified by One of Her Principal Secretaries of State, from Time to Time to direct the Lieutenants to form the Militia of their several Counties into such Companies, Regiments, Battalions, or Corps as to Her Majesty may seem fit, and to direct what Number of Officers and of what respective Ranks, shall be appointed thereto, and what shall constitute the Staff thereof; and where the Number of Militia Men required to be raised for any County appears to Her Majesty insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, to direct the Militia of such County to be united with the Militia of any County or Counties adjoining.

Militia Men to be raised by voluntary Enlistment

XXIX. For the Purpose of raising the Number of Men required to be raised under this Act, the Lieutenants of the several Counties shall, in the Year One thousand eight hundred and fifty-four, as soon as conveniently may be after the passing of this Act, and in the Year One thousand eight hundred and fifty-five at such Time as Her Majesty shall, by Order made with the Advice of Her Privy Council, appoint for that Purpose, direct the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties, without Delay, to proceed to raise and enrol Volunteers to serve for the Term of Five Years in the Militia of such Counties or Places, not exceeding the Numbers of Men authorized by Order in Council to be therein raised for the Time being, and such Colonels or Commanding Officers, and the Commissioned and Non-commissioned Officers of the Militia duly authorized by such Colonels or Commanding Officers, shall forthwith proceed to raise, by Beat of Drum or otherwise, such Volunteers, being resident in the County in which such Men are directed to be raised, or in any County immediately adjoining thereto, and being able-bodied Men between such Ages and of such Height as shall be from Time to Time fixed by Regulations made by Her Majesty's Secretary-at-War as herein provided, and for such Bounties or other Payments as shall be from Time to Time authorized by such Regulations; and the Deputy Lieutenants of Counties shall severally aid the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties in raising and enrolling Volunteers for such Militia in the several Parishes where such Deputy Lieutenants may be resident, and otherwise as the

the Lieutenants of such Counties may from Time to Time direct, but no General or Subdivision Meeting shall be holden for that Purpose unless such Meeting be convened pursuant to any special Order made by One of Her Majesty's Principal Secretaries of State.

XXX. Provided always, That where the Number of Men for the Time being required to be raised under this Act for any County has not been raised by voluntary Enlistment, it shall be lawful for Her Majesty, if it appear to Her advisable so to do, by Order signed by One of Her Principal Secretaries of State, to authorize and direct all or any Part of such Number of Men as shall be deficient to be raised by voluntary Enlistment in any County in which the full Quota may have been raised and kept up.

The Number not raised by Enlistment in any County may be authorized to be raised by Enlistment as a supplemental Corps in another County.

XXXI. The Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia shall from Time to Time, and so long before the Expiration of the respective Terms of Service of the Militia Men belonging to their respective Regiments, Battalions, or Corps as shall be directed by Regulations to be made by the Secretary-at-War, raise and enrol or cause to be raised and enrolled Volunteers to supply the Places of such Militia Men; and such Colonels or Commanding Officers shall from Time to Time, subject to any Regulations to be so made, raise and enrol or cause to be raised and enrolled Volunteers for supplying casual Vacancies by reason of Militia Men dying before the Expiration of their Term of Service, or being promoted to be Non-commissioned Officers or Drummers (except where they are so promoted in the Room of Non-commissioned Officers or Drummers reduced to the Ranks), or being discharged as unfit for Service, or in pursuance of the Sentence of a Court-martial, or having deserted, and the Deputy Lieutenants of each County shall give Assistance as aforesaid in raising such Volunteers.

Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.

XXXII. Every Volunteer so raised as aforesaid shall, when he has been examined and approved according to such Regulations as shall be made by the Secretary-at-War, and shall have taken the Oath herein-before directed to be taken, be enrolled in a Roll to be prepared and kept by or under the Direction of the Colonel or Commanding Officer, to serve in the Militia for the County or Place for which he is raised, as a Militia Man, for the Space of Five Years.

Volunteers to be sworn and enrolled.

XXXIII. It shall be lawful for Her Majesty's Secretary-at-War from Time to Time to make Regulations as to the Amount of the Sums to be paid to Volunteers under this Act by way of Bounty or periodical Payment or Allowance in consideration of their enlisting in the Militia (such Bounty in no Case to exceed Six Pounds, and such periodical

Secretary-at-War may make Regulations for Bounties, and Age, Height, &c. of Men.

periodical Payment or Allowance in no Case to exceed after the Rate of Two Shillings *per* Month during the Term of Service for which the Volunteer is enrolled), and as to the Time or respective Times, Conditions, and Manner of the Payment thereof, and as to the Ages between which Men may be received as such Volunteers, and as to the Height and for the Examination and Approval by Medical Men of all Men to be raised for the Militia under this Act, and as to all other Matters which, under the Provisions herein contained, are made subject to Regulations to be made by such Secretary-at-War.

Regulations to be laid before Parliament.

XXXIV. All Regulations made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting then within Twenty-one Days after the next Meeting of Parliament.

Regulations for keeping of Arms and Stores.

Arms, &c. to be kept in a Place appointed by the Commandant, with the Approbation of the County Lieutenant, to be under the Care of the Quartermaster.

XXXV. And in regard to the keeping of Arms and Stores, the Arms, Accoutrements, Clothing, and other Stores belonging to every Regiment, Battalion, or Corps of Militia, when not embodied, shall be kept in such convenient Place as the Colonel or Commandant shall direct, with the Approbation of the Lieutenant of the County; and the Quartermaster to such Regiment, Battalion, or Corps of Militia shall have the Charge and Care of such Arms, Accoutrements, Clothing, and other Stores, under the Superintendence of the Colonel or other Commandant.

Place for Militia Storehouse to be provided.

XXXVI. If such fit and convenient Place has not been provided, or is or may become from any Cause insecure, insufficient, or unfit for the safe Custody of such Arms, Accoutrements, Clothing, or other Stores, or in case the Public Service or Convenience require the Site of the same to be changed, the Commissioners of Supply of the County within which such Arms and Stores shall be directed to be kept, at the First General Meeting which shall be held after the Representation of the Lieutenant of such County, and of the Colonel or Commandant of such Regiment, Battalion, or Corps, that no such Place has been provided, or that the Place provided is insecure, insufficient, or unfit, or in case the Public Service or Convenience require the Site of the same to be changed being duly satisfied thereof, may and are hereby required to provide a secure and suitable Place for that Purpose, and to that end may, in their Discretion, from Time to Time resolve either to purchase or hire any suitable Buildings or Premises, and, if necessary, to enlarge, alter, or improve the same, or from Time to Time to enlarge, alter, or repair any Buildings or Premises already purchased or hired, or to purchase or take on

on Lease for any Term not less than Sixty Years any Portion of Land for the Purpose of building and to build or rebuild thereupon secure and suitable Buildings and Premises for the Purpose aforesaid; and with reference to any such Purchase as is hereby authorized, the Clauses and Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase of Lands by Agreement, shall be incorporated with this Act; and the Words "Promoters of the Undertaking" in those Clauses shall mean the Persons by this Act authorized to purchase Land, and the Word "Undertaking" shall mean the building or rebuilding, enlarging or altering of a Place for Militia Stores: Provided always, that the Place to be so hired, purchased, built, altered, or enlarged shall contain an Orderly and Guard Room, and a Magazine; and there shall also be provided a suitable Yard or Place wherein the Men may be mustered for the Issue and Return of such Arms, Accoutrements, Clothing, and other Stores: Provided always, that it shall be lawful at any Time for the said Commissioners assembled as aforesaid to provide such Quarters for the Permanent Staff as may appear to them desirable, together with Cells and such convenient Premises as may be necessary for the safe Custody of the Stores; and no Place provided for the keeping of Militia Stores under this or any former Act, nor any Buildings or Premises appurtenant thereto, shall be liable to be valued or assessed to any County, Burgh, Parochial, or other Local Rates or Assessments.

Expense of Storehouse, how to be provided for.

XXXVII. The Sums that may be required for the Hire, Purchase, Enlargement, Alteration, Building of or Additions to any such Place, in case the same shall be approved by the said Lieutenant and Colonel or Commandant, together with the Cost of Fuel and other necessary Expenses incidental to the Use and Maintenance of the Premises, shall be certified by the Lieutenant of the County to the Clerk or Clerks of Supply of each County contributing to the Regiment, Battalion, or Corps; and such Certificate shall be laid by such Clerk before the First Meeting of the Commissioners of Supply which shall thereafter be held in each County, and such Meeting shall raise the Sum so certified, or, in the Case of Two or more Counties so contributing, a Proportion of the Sum so certified corresponding to the Proportion of the Real Rent of such County to the Real Rent of the whole of the Counties so contributing, including the Burghs within the same, and that by Assessment, to be laid on and recovered by the said Commissioners, in like Manner and subject to like Provisions as Assessments for local Prison Purposes are laid on and recovered by the Prison Board in Counties in *Scotland*, and the said Commissioners shall for that Purpose have all the Powers which the General and County Prison Boards have by Law for the apportioning between the County and the Burghs within the same, and the raising

of such Assessments, and the borrowing of Money on the Credit thereof, subject to the Provisions of this Act: Provided always, that on such fitting Place being duly provided, the Parties in whom any Place formerly used for such Purposes was vested for such Purposes shall sell the same or their Interest therein, and pay over the Proceeds to the Commissioners of Supply of such County or Counties in the Proportion of the Sums raised by each, and the same shall be applied in diminution of any future Assessment on Real Rent for Prison Purposes in such Counties.

Commissioners may raise Sums required by Assessment or by borrowing.

XXXVIII. It shall be lawful for the Commissioners of Supply either to raise the whole of the Sums which they may be required to raise at any one Time under this Act, whatever be the Amount of such Sums, by Assessment at once, or to borrow the whole or any Part thereof, on the Security of the Assessments, on such Terms that the whole Sum borrowed shall be paid off by equal annual Instalments within Thirty Years at furthest from the Date of borrowing, and the necessary Bonds therefor shall be signed by the Chairman and any Two of the Commissioners present at the Meeting at which it was resolved so to borrow, and the Creditors in such Bonds shall have like Powers for enforcing Payment of the Principal and Interest thereof, as the same shall fall due, as are given by this Act to the Lord Advocate, on being authorized by the Secretary-at-War, for enforcing the raising of Assessments.

Apportionment of Assessment on Burghs.

XXXIX. In the Case of Burghs contributing to the Assessment for Prison Purposes separately from the Landward Part of the County in which they are situated, the Portion of the Assessment to be levied under this Act payable by such Burghs shall be apportioned by the Commissioners of Supply of such County in accordance with the Proportion of the Real Rent of each such Burgh to the Real Rent of the whole County; and in the event of Dissatisfaction with such Apportionment it shall be lawful for the Magistrates of such Burgh to apply by summary Petition to the Sheriff of the County, whose Decision thereon shall be final.

Power to Queen's Advocate to raise and apply Assessments.

XL. It shall be lawful for Her Majesty's Advocate for *Scotland*, on being authorized to that Effect by the Secretary-at-War, to exercise, for compelling the raising and Application of Assessments under this Act, all the Powers which the General Board of Prisons in *Scotland* may by Law exercise for compelling the raising of Assessments for Prison Purposes.

Conveyances, &c. exempt from Stamp Duty.

XLI. All Conveyances, Leases, Bonds, Contracts, Receipts, and other Deeds and Instruments made for the Purpose of carrying into effect the Provisions of this Act shall be exempt from Stamp Duty.

XLII. If

Militia (Scotland).

XLII. If any Clerk of Supply shall refuse or wilfully neglect to receive or present any Certificates under this Act which he is hereinbefore directed to receive or present, according to the Directions and true Meaning of this Act, every such Clerk of Supply so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Penalty for Neglect of Duty in Clerks of Supply

Regulations for Training and Exercise.

XLIII. It shall be lawful for the Lieutenants of the several Counties, with the Approbation of One of Her Majesty's Principal Secretaries of State, to take on Lease or hire, for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of such Counties, and the Expense thereof shall be paid by the Secretary-at-War.

Lieutenants, with Approbation of a Secretary of State, to provide Places for Exercise.

XLIV. The Times and Places of Exercise of the Militia Men to be raised by virtue of this Act shall be appointed, with the Approbation of Her Majesty, by the Lieutenant of the County furnishing the whole or the greater Part of the Militia Men of each Regiment; and Notice of such Times and Places shall be sent by Order of the Colonel or other Commandant of the Regiment by Post to the Residences of the several Men as stated in their Attestations or as subsequently notified by them, and also to the Parochial Schoolmasters and Inspectors of the Poor within the respective Parishes or other Divisions of the County or Counties contributing Men to such Regiment; and such Schoolmasters or Inspectors shall, subject to a Penalty of Twenty Pounds, cause such Notice as aforesaid to be affixed within Two Days of Receipt thereof on the Doors of all the Churches or Chapels within their respective Parishes or Places, which Notice shall be deemed a sufficient Notice to every Person enrolled by virtue of this Act, notwithstanding any Omission in the Delivery of written Notices; and all such Militia Men shall duly attend at the Time and Place of Exercise according to such Notices.

Regulations for sending Notice of the Times and Places of Exercise.

XLV. The Period of Training and Exercise shall, save as hereinafter provided, be Twenty-one Days in every Year; and Her Majesty may, if She see fit, direct all or any Part of the Militia of any County to be called out for Training and Exercise more than once in every or any Year, and at such Time or Times as Her Majesty may think fit, so as the whole Period of Training and Exercise of any Militia Man do not exceed Twenty-one Days in any Year, save as herein-after provided.

Her Majesty may cause Militia to be called out for Training more than once in a Year

XLVI. It shall be lawful for the Secretary of State at any Time to move any Regiment of Militia not embodied out of their own respective

Secretary of State may cause Militia

to be exercised out of their own Counties, and Her Majesty may extend or reduce the Period of Exercise.

respective Counties into any Quarters in any Part of the United Kingdom during the Period of their Training; and it shall be lawful for Her Majesty, where, with the Advice of Her Privy Council, She may see fit so to do, to extend or reduce the Period of Training and Exercise of all or any Part of the Militia, so that the whole Period of Training and Exercise in any Year shall not exceed Fifty-six Days nor be less than Three Days, and no fresh Notice shall be necessary where such Extension or Reduction is made during the Time of actual Training.

Regulations for embodying Militia.

In Cases of actual Invasion, Rebellion, &c., Her Majesty may order the Militia to be embodied, and put under the Command of General Officers, &c., and led by their respective Officers into any Part of Great Britain.

XLVII. In all Cases of actual Invasion, or upon imminent Danger thereof, and in all Cases of Foreign War, or of Rebellion or Insurrection, it shall be lawful for Her Majesty to order and direct the Lieutenants of the said several Counties, with all convenient Speed, to draw out and embody all the Regiments or Battalions of Militia within their respective Counties herein-before appointed to be raised and trained, or so many of them, or such Part or Proportion of them or any of them, as Her Majesty shall in Her Wisdom judge necessary, and in such Manner as shall be best adapted to the Circumstances of the Danger, and to put the said Forces under the Command of such General Officers as Her Majesty shall be pleased to appoint, and to direct the said Forces to be led by their respective Officers into any Parts of the United Kingdom.

When the Militia is ordered out, the County Lieutenants shall issue Orders to the Schoolmasters, &c.

XLVIII. When the Militia of any Regiment shall be ordered to be embodied, the Colonel or Commandant of such Regiment shall forthwith give Notice to the Men, in like Manner as is directed in the Case of the Times of Training and Exercise; and Parochial Schoolmasters or Inspectors of the Poor shall, subject to like Penalty, affix such Notice in manner directed for such Occasion.

While any Part of the Militia shall continue embodied, Her Majesty may order any not embodied to be drawn out, to be mustered, trained, and exercised.

XLIX. If during such Time as any Part of the Militia which shall have been drawn out and embodied for Service shall continue embodied Her Majesty shall deem it expedient that the Militia of any County, or any Part thereof, which shall not at such Time be actually embodied for Service, should be drawn out, in order to be mustered, trained, and exercised for a limited Time, instead of being so embodied for Service, according to the Provisions of this Act, it shall be lawful for Her Majesty to direct the Lieutenants or Deputy Lieutenants of all or any of the said Counties to cause the said Militia not actually embodied, or any Part thereof, to be drawn out, in order to be mustered, trained, and exercised, in such Proportion and for such Time and at such Place or Places as shall be appointed, with the Approbation of Her Majesty, by the Lieutenant or Deputy Lieutenants, in manner as is herein-before

directed

directed for training and exercising the Disembodied Militia, and the same shall be mustered, trained, and exercised accordingly.

Billeting, &c. of Militia Men.

Justices, &c. may billet the Militia when called out to annual Exercise, and, when not called out, may order Quarters for the Non-commissioned Officers and Drummers.

L. It shall be lawful for all Justices of the Peace, and Magistrates of Cities, Towns, and Places, and they and each of them are and is respectively hereby required, to quarter and billet the Officers, Non-commissioned Officers, Drummers, and Private Men serving in the Militia, at the Times when they shall be called out to annual Exercise, or be embodied in the same Way and Manner as Her Majesty's Regular Forces are so furnished and provided in that Part of *Great Britain* called *Scotland*, upon Application made to any such Justices of the Peace or Magistrates by Her Majesty's Lieutenant, or by the Colonel or other Commanding Officer of the Regiment or Battalion of Militia so called out to exercise or embodied as aforesaid, or of any Division or Detachment thereof; and when the Militia is not embodied nor called out to Exercise as aforesaid, all Justices of the Peace and Magistrates aforesaid may and they and each of them are and is hereby respectively required to order and provide convenient Quarters in such Manner as aforesaid for the Sergeants, Corporals, and Drummers of the Permanent Staff of the Militia; and all Innkeepers and others who, according to the Provisions of the Mutiny Act, are liable in *Scotland* to have Soldiers billeted upon them, shall in like Manner be subject to have the Militia Non-commissioned Officers and Men in such Cases billeted upon them, and in default of their providing convenient Lodging as prescribed in the said Act shall be liable to the Penalties imposed upon Civil Subjects offending against the Laws relating to Billets prescribed by the said Act.

Directing how Militia Men falling sick on the March are to be relieved.

LI. In case any Militia Man shall, on his March to the Place where he shall be ordered to attend for the annual Exercise, be disabled by Sickness or otherwise, it shall be lawful for any One Justice of the Peace of the County where such Man shall then be, by Warrant in Writing, to order the Inspector of the Poor to grant him such Relief as such Justice shall think reasonable and upon such Warrant being produced to the Secretary-at-War he shall pay all such Expenses as shall be incurred pursuant to such Warrant, upon an Account thereof to be certified in Writing by such Justice of the Peace.

Regulation of Punishment of Militia during Exercise or when embodied.

Officers, &c. may be tried by a Court-

LII. Every Officer, Non-commissioned Officer, Drummer, and Private of the Militia shall, during the Period of his Regiment being assembled

martial for Offences committed;

assembled for Training and Exercise or being embodied, and if on permanent Pay shall at all Times, be subject to any Act which shall be in force for punishing Mutiny and Desertion and for the better Payment of the Army and their Quarters, and to the Articles of War, and it shall be lawful for the Colonel or other Commandant of any Regiment or Battalion of Militia to direct the holding of Courts-martial, as herein-after directed, for the Trial of any Officer, Non-commissioned Officer, Drummer, or Private of such Regiment or Battalion, by either a General or Regimental Court-martial, for any Offence against the said Act or Articles of War committed during the Time such Person was subject thereto, although such Time shall then have elapsed, but so that no Punishment shall extend to the Loss of Life or Limb.

but Charges to be made out and delivered within Six Months after training or being disembodied.

LIII. Provided always, That no such Officer, Non-commissioned Officer, Drummer, or Private shall be liable to be tried or punished by Court-martial for any such Offence committed during the Period of any such Regiment, Battalion, or Corps being assembled for the Purpose of Training and Exercise or embodied, except for Desertion, unless the Charges against such Officer, Non-commissioned Officer, Drummer, or Private shall have been made out and delivered within Six Months after the Regiment, Battalion, or Corps shall have been dismissed after training and exercising or disembodied.

Volunteers under Instruction in the Army to be under Mutiny Act.

LIV. Any Militia Volunteer attached for a Time for the Purpose of Instruction to any Regiment, Battalion, or Depôt of Her Majesty's Forces, or Permanent Staff of a Regiment of Militia, shall for such Time be deemed to be under the Operation of the Mutiny Act, and under the Command of the Officer commanding such Regiment, Battalion, Depôt, or Permanent Staff of a Regiment of Militia.

Constitution of Courts-martial.

General Courts-martial may be appointed.

LV. Whensoever in any of the said Cases it shall be necessary that a General Court-martial should be held for any such Trial, it shall be lawful for Her Majesty to signify Her Pleasure to such and so many Lieutenants of Counties in *Scotland* as Her Majesty shall deem necessary, that Officers of their respective Counties will be required to assemble to form such Court, and every such Lieutenant shall thereupon give Orders to such Number of Officers as shall be required, who shall forthwith attend to form such Court; and all Officers who shall refuse or neglect to attend any such Courts-martial shall be liable to be tried by a General Court-martial, to be assembled according to the Regulations of this Act, for such Disobedience of Orders; and all Officers attending to form such Courts shall be entitled to Pay during such Attendance,

Pay and Allowance to Officers.

Attendance, and to Two Shillings for every Mile for going to such Court-martial at the Commencement thereof, and returning after the Conclusion of the Proceedings of the Court; and every General Court-martial so appointed shall be sworn and held in the same Manner, and shall have all such and the like Powers and Authorities, and shall be of the same Force and Effect, in all respects, whether the Militia from which the Officers thereof are assembled was then drawn out and embodied or not.

Regimental Courts-martial may be appointed.

LVI. For holding a Regimental Court-martial, in any of the said Cases for which such Court-martial shall be proper, it shall be lawful for the Colonel or other Commandant of the Regiment or Battalion, whether it shall then be embodied or not, and in his Absence for the senior Field Officer, to appoint any Place which he shall think proper, within the County, City, or District to which such Regiment or Battalion shall belong, and to order any Officers of such Regiment or Battalion to attend and assist as Members of such Court-martial, who shall thereupon attend at the Time required, and assist accordingly, and in default of such Attendance shall be liable to be tried by a General Court martial, to be assembled pursuant to the Regulations of this Act, for such Disobedience of Orders; and the Officers who shall be Members of such Court-martial shall be entitled to the same Pay and Allowances as Officers who shall be Members of any General Court martial under the Authority of this Act: Provided always, that no Officer of any of Her Majesty's other Forces shall sit upon any Court-martial for the Trial of any Officer or Soldier of Militia: Provided further, that no Sentence of any Court-martial held as aforesaid on any Sergeant Major, Sergeant, Corporal, Drum Major, or Drummer, or Private Man as aforesaid, shall be put in execution until it shall have been confirmed by the Colonel or other Commandant, or by the Field Officer by whose Order such Court-martial was assembled.

Non-commissioned Officers may be reduced to Privates for a certain Period, and if not then restored they shall be discharged.

LVII. Any Sergeant, Corporal, or Drummer of the Militia may, by Sentence of a Court-martial, be reduced to the Condition of a Private Militia Man, to serve as such during any Time not exceeding Fifteen Months, in case the Regiment or Battalion to which he belongs shall not be then embodied or called out into actual Service, and in case the Regiment or Battalion to which he belongs shall be then embodied or called out into actual Service, to serve as aforesaid until the disembodying of the said Regiment or Battalion, after which Time, or at the End of the said Fifteen Months, as the Case may be, if not regularly re-appointed to the Rank of a Non-commissioned Officer or Drummer, he shall be discharged from the Service.

Punishment

Punishment of Desertion from Militia, when not embodied.

Men not appearing at the Time and Place of Exercise, or absenting themselves during that Time, if not taken till afterwards, shall forfeit 10*l.* or be committed for Three Months.

LVIII. Every Militia Man (not labouring under any certified Infirmity or Incapacity) who shall not appear at the Time and Place appointed for his being exercised according to the Directions of this Act (Notice having been published and given as by this Act required), or who, having joined the Regiment, Battalion, or Corps to which he belongs, or any Company or Detachment or Division thereof, shall desert or absent himself during the Time of any such Exercise, shall be deemed a Deserter, and if not taken until after the Time of any such Exercise shall, on Conviction thereof before any One Justice of the Peace, be liable to a Penalty not exceeding Ten Pounds; and if such Penalty shall not be immediately paid shall be committed to Prison, with or without Hard Labour, for any Period not exceeding Three Months, or until he shall have paid the said Penalty.

Penalties for fraudulent Re-enlistment.

LIX. Any Militia Volunteer who, before the Expiration of his Engagement as a Militia Man in any Regiment, Battalion, or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of Militia, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement), shall, upon a Conviction thereof before any One Justice of the Peace, incur a Penalty not exceeding Ten Pounds, and in default of Payment shall be committed to Prison for any Time not exceeding Three Months, and shall also be liable to the Deduction out of the Bounty which he might otherwise have received in respect of his original Enlistment of a Sum equal to what he may have received upon his fraudulent Re-enlistment, and of such further Sum as the Colonel or Commanding Officer of the Regiment, Battalion, or Corps in which he may have originally enlisted shall think proper, or as the Secretary-at-War may from Time to Time direct, not exceeding the Expenses of his Attestation and Enrolment on such fraudulent Re-enlistment.

The Justice before whom a Militia Man is convicted of Enlistment in the Regular Forces or Re-enlistment in the Militia to send Report of Conviction to Secretary-at-War.

LX. The Justice before whom a Militia Volunteer shall be convicted of having enrolled or offered to enrol himself in another Regiment, Battalion, or Corps of Militia, or more than once in the same Regiment, Battalion, or Corps of Militia, shall send or cause to be sent to the Secretary-at-War a Report of such Conviction, stating the Name of such Volunteer, the Regiment, Battalion, or Corps of Militia to which he belongs, the Offence of which he has been convicted, and the Sentence or Decision of the Justice thereon, and, where such Volunteer shall be imprisoned in pursuance of such Conviction, the Period when the Imprisonment will expire; and for such Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more.

LXI. It

Militia (Scotland).

LXI. It shall be lawful for the Secretary-at-War at any Time to discharge any Militia Volunteer for Misconduct, Unfitness, or other Cause, upon such Conditions as he may from Time to Time direct, and such Volunteer shall have no Claim to future Pay or Bounty, or to release from future Attendance in the Militia any Volunteer who may have fraudulently enlisted into Her Majesty's Regular Forces or into the Forces of the *East India* Company, or who may have fraudulently entered into Her Majesty's Navy, and who has been sentenced to Imprisonment, or to Forfeiture for a Period not exceeding Eighteen Calendar Months of One Penny a Day from his Pay in such Forces; and any Man so released shall serve with the Force in which he may have enlisted or entered in the United Kingdom or elsewhere, with the like Liabilities in all respects as any Soldier or Seaman in such respective Force, and his Place in the Militia shall be supplied in like Manner as if his Term of Service as a Militia Man had expired by Efflux of Time.

Power to discharge Men from the Militia who have enlisted in the Regular Forces.

LXII. Any Bounty which, under the Regulations to be made under this Act, may be payable during or in respect of Attendance at Training and Exercise, shall be forfeited by any Man who wholly absents himself from such Training and Exercise without Leave lawfully granted, or Sickness certified according to such Regulations; and any such Bounty which would otherwise be payable to any Man who partially absents himself as aforesaid without such Leave, or Sickness certified as aforesaid, or who misconducts himself during the Training, shall be wholly withheld, or issued only in such Manner and in such Portions as the Secretary-at-War, upon the Report of the Commanding Officer, shall determine.

Provision for withholding Payment of Bounty from Men wrongfully absent from Training.

LXIII. If any Drummer or Bugler of the Permanent Staff shall absent himself without Leave for a Period exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, and if any Drummer or Bugler of the Permanent Staff shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any other Punishment which he is authorized to award, order that such Drummer or Bugler be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Drummer or Bugler shall forfeit his Pay for the Day or Days of such Imprisonment; and any Drummer or Bugler who shall have absented himself as aforesaid may, in addition to or instead of such Imprisonment and Forfeiture or other Punishment which the Commanding Officer has Authority to inflict,

Drummers or Buglers, offending in certain Cases, how to be dealt with.

be further deprived, by Order of his Commanding Officer, of his Pay for the Day or Days of such Absence: Provided that such Drummer or Bugler so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, be entitled to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeitures.

In case of Discharge for Misconduct, the Cause of Discharge to be certified on Certificate of Discharge.

LXIV. If any Person who shall have served in Her Majesty's Forces, and shall afterwards have been enrolled as a Non-commissioned Officer on the Permanent Staff of the Militia, shall be discharged from any Regiment or Corps for Misconduct, the Cause of his Discharge shall be certified by the Colonel or Commandant of such Regiments or Corps on the Back of the Certificate of his Discharge from Her Majesty's Army, and a Copy of the same forwarded to the Adjutant-General of Her Majesty's Forces, the Secretary of State for the Home Department, and the Secretary-at-War.

Provision for Apprehension of Militia Men not attending or absenting themselves during Training.

LXV. The Commanding Officer of any Regiment, Battalion, or Corps of Militia shall notify to the Secretary-at-War, and to the Constables or other Officers of the Counties, Parishes, and Places in which Militia Men reside who have not attended Training and Exercise, or who may have absented themselves during the Time of Training and Exercise of their respective Regiments, Battalions, or Corps, the Names and Descriptions of all such Volunteers who have so absented themselves; and it shall be lawful for any Constable or Officer, or for any Officer or Soldier in Her Majesty's Service or in the Militia, to apprehend or cause any such Volunteer to be apprehended, and to bring him or cause him to be brought before any Justice of the Peace at any Time within the Period of his Engagement in the Militia, to be dealt with as herein-before mentioned, if the Battalion or Corps to which he belongs has ceased Training and Exercise, or to be committed to safe Custody until an Escort can be sent for him if such Regiment, Battalion, or Corps be then out for Training and Exercise; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, and the Secretary-at-War shall transmit to such Justice an Order for the Payment to the Person or Persons by whom such Deserter was apprehended of such Sum not exceeding Twenty Shillings as the Secretary-at-War may think fit.

Penalty for inducing Militia Men to absent themselves, or harbouring or employing Militia Men absenting themselves.

LXVI. Any Person who, by Words or other Means, shall persuade any Militia Man improperly to absent himself from his Duty, and every Person who shall assist or procure any such Volunteer improperly to absent himself as aforesaid, or shall conceal, employ, or continue to employ any such Volunteer, knowing him to be so improperly absent, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Punishment

Punishment for Sale, &c. of Arms, &c.

LXVII. All Muskets delivered for the Service of the Militia shall be marked distinctly in some visible Place with the Letter (M.), and the Name of the County to which they belong; and in case any Militia Man shall sell, pawn, or lose any of his Arms, Clothes, Accoutrements, or Ammunition, or neglect or refuse to return the same in good Order to his Captain, or to the Person appointed to receive the same, every such Militia Man shall, on Conviction thereof before any Justice of the Peace, for every such Offence incur a Penalty not exceeding Three Pounds; and if such Militia Man shall not immediately pay such Penalty, shall be committed to Prison, to be kept to Hard Labour for any Time not exceeding Three Months, or until he shall have paid the said Penalty.

Muskets to be marked, and if Men sell or lose their Arms, &c., or neglect to return them in good Order, they shall forfeit not exceeding 3*l.* or be committed for not exceeding Three Months.

LXVIII. If any Person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any Militia Arms, Clothes, or Accoutrements, or any such Articles belonging to any Militia Man as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or any public Stores or Ammunition whatever delivered for the Militia, upon any Account or Pretence whatsoever, contrary to the true Intent and Meaning of this Act, the Person so offending shall for every such Offence incur a Penalty not exceeding Ten Pounds, and in default of Payment shall be liable to Imprisonment for any Period not exceeding Six Months, or until he or she shall have paid the said Fine.

Penalty for buying Militia Arms, &c.

Miscellaneous Provisions.

LXIX. No Man, by reason of his Enrolment or Service in the Militia or in the Naval Coast Volunteers, shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess or may have possessed at the Time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Enrolment in Militia not to cause Forfeiture of any Interest in any Benefit Society.

LXX. If any Servant whatever, hired by the Year or otherwise, shall be enrolled as a Militia Man by virtue of this Act, such Enrolment shall not vacate or rescind the Contract or alter the Engagement between

Enrolment of Servants shall not vacate their

Contracts with their Masters, unless the Militia shall be embodied, &c.

between such Servant and his Master, Mistress, or Employer or Employers, unless the Militia of the County for which such Servant shall be enrolled shall be embodied or called out by Her Majesty, or be ordered so to be, in pursuance of this Act, or unless such Person so enrolled shall leave the Service of his Master, Mistress, or Employer or Employers, for the Purpose of being trained and exercised for the Period directed by this Act, and shall not return again to the same Service at the End of such Period, or as soon after as reasonably may be, allowing to his Master, Mistress, or Employer or Employers an Abatement from his Wages in proportion to the Duration of his Absence from his said Service; and in every such Case, where any Dispute shall arise between such Servant and his Master, Mistress, or Employer, touching any Sum or Sums of Money due to such Servant for or on account of his Service performed before the Time of his Departure from Service, under the Conditions of the said Enrolment, or by being called out to join the Militia in which he shall have been so enrolled, or touching any Abatement to be made by such Servant by reason of his Absence for the Purpose of being trained and exercised, it shall be lawful for the Sheriff of the County, or any Two or more Justices of the Peace for the County or Place where such Master, Mistress, or Employer is resident, to hear and determined the same in a summary Way where the Wages or Balance of Wages claimed shall not exceed Twenty Pounds, in like Manner as if the Sum claimed were within the Amount to which their Jurisdiction under the Acts for the Recovery of Small Debts respectively for the Time being extends, and to grant Warrant for the Recovery of the Sum decerned for by Poinding and Sale in common Form.

Sheriff or Two Justices may settle Disputes touching Wages under 20*l.* under Small Debt Acts.

Recovery of Penalties, &c.

How Penalties shall be recovered, and how applied, where not otherwise directed by this Act.

LXXI. All Fines, Penalties, and Forfeitures by this Act imposed, the Manner of Recovery whereof is not by this Act particularly provided for, which shall exceed the Sum of Twenty Pounds, shall be recovered by Action at the Suit of Her Majesty's Advocate for *Scotland* in the Court of Exchequer in *Scotland;* and all Fines, Penalties, and Forfeitures by this Act imposed, the Manner of Recovery whereof is not by this Act particularly provided for, which shall not exceed the Sum of Twenty Pounds, shall, on Conviction of the Offence in any Action or Complaint at the Instance of the Procurator Fiscal of the County where the Offence shall be committed, or where the Offender may at any Time be, or at the Instance of any Party to whom the same or Part thereof is made payable, or the Performance of whose Duty under this Act may require the Enforcement of the Provisions in respect of the Breach of which such Penalty is imposed, with Concurrence of the Procurator Fiscal,

Fiscal, before the Sheriff or any Two or more Justices of the Peace of such County, be levied by Poinding and Sale of the Offender's Goods and Effects, by Warrant under the Hands of such Sheriff or Justices, or by Imprisonment for any Time not exceeding Three Months.

LXXII. No Conviction or Decree by the Sheriff or by any Justice or Justices of the Peace, by virtue of this Act, shall be removable by Advocation or Suspension or any other Process to any other Court, or be subject to any Sist of Execution.

No Order of Conviction shall be removed out of the County.

LXXIII. One Half of every pecuniary Penalty or Forfeiture imposed upon any Person duly convicted of buying, taking in exchange, concealing, or otherwise receiving, contrary to Law, any Militia Arms, Clothes, Accoutrements, or Regimental Necessaries belonging to any Militia Man, or any public Stores or Ammunition for the Service of the Militia, and every pecuniary Penalty or Forfeiture imposed upon any Person assisting, procuring, or persuading any Militia Volunteer improperly to absent himself from his Duty, or concealing, employing, or continuing to employ any such Volunteer, knowing him to be so improperly absent, shall go to the Person who shall inform or sue for the same, and the other Half, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty, shall be paid over and applied in such Manner as the Secretary-at-War shall direct; and every Justice who shall adjudge any such Penalty or Forfeiture shall, within Four Days at the furthest, report the same and his Adjudication thereof to the Secretary-at-War.

Application of certain Penalties.

LXXIV. All Penalties imposed by this Act upon Militia Men (except the Deductions from Bounty, which shall be brought to Public Credit,) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or other Bodies of Militia of the respective Counties, Ridings, or Places to which the Volunteer belongs, and shall be made and accounted for as Part of the Public Stock of such Regiment, Battalion, or other Body of Militia respectively.

Application of Penalties on Militia Men.

LXXV. In all Cases in the Execution of this Act when any Matter or Thing is directed to be inquired of or examined into before any Justice or Justices of the Peace, any such Justice or Justices of the Peace is and are hereby authorized to grant Warrant for the Citation of Witnesses, and to administer Oaths to Witnesses, with the same Powers as Justices of the Peace have under the Acts for the Recovery of Small Debts.

Justices may grant Warrants for the Citation of Witnesses.

LXXVI. The Provisions of any Acts passed for the rendering Justices of the Peace more safe in the Execution of their Office, and for

Provisions of Twopenny Acts to

extend to County Lieutenants and Deputies.

for indemnifying Constables and others acting in obedience to their Warrants, shall extend to all Her Majesty's Lieutenants and to all Deputy Lieutenants acting in the Execution of this Act, in like Manner and as fully and effectually as the same extend to Justices of the Peace acting in the Execution of their Office.

Limitation of Actions.

Treble Expenses.

LXXVII. If any Action shall be brought against any Person or Persons for anything done in pursuance of this Act, such Action shall be commenced within Six Months next after the Fact committed, and not afterwards; and if the Defender or Defenders shall be assoilzied in any such Action, the Defender or Defenders shall have Decree for Three Times his Expenses in such Action, and have the like Remedy for the same as any Defender hath in other Cases to recover Expenses by the Law of *Scotland*.

SCHE-

SCHEDULE referred to in this Act.

SCHEDULE A.

DESCRIPTIVE RETURN of committed to Confinement at on the Day of as an Absentee from the Training of the Regiment of Militia.

Age	
Height	Feet. Inches
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enrolment, and where	
Probable Date of absenting himself, and from what Place	
Name, Occupation, and Address of the Person by whom apprehended*	
Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds, and whether committed for safe Custody only, or as a Deserter under this Act, and if so, for what Period	

* It is important for the Public Service, and for the Interest of the Prisoner, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he † absent himself from the before-mentioned Corps

——— *Signature and Address of Magistrate.*

——— *Signature of Prisoner.*

——— *Signature of Informant*

† Insert "did" or "did not," as the Case may be

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service

——— *Signature of Military Medical Officer, or of ‖ Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

him to require, to ascertain and fix the Number of Militia Men who shall, until other Quotas shall be fixed in like Manner, serve for each County, and the Number so fixed as aforesaid shall be transmitted to the Lieutenant of such County from Time to Time, and Notice of the same shall be published in the *Dublin Gazette*, and the Number so from Time to Time appointed shall be the Quota of such County, until some other Quota is appointed in like Manner.

Lord Lieutenant may direct into what Regiments, &c. Militia shall be formed, and with what Officers and Staff.

III. It shall be lawful for the Lord Lieutenant, by Order signified by his Chief or Under Secretary, from Time to Time to direct the Lieutenants of Counties in *Ireland* to form the Militia of their Counties into such Companies, Regiments, Battalions, or Corps as to the Lord Lieutenant may seem fit, and to direct what Number of Officers and of what respective Ranks shall be appointed thereto, and what shall constitute the Staff thereof; and where the Number of Militia Men required to be raised for any County appears to the Lord Lieutenant insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, to direct the Militia of such County to be united with the Militia of any County adjoining.

Lord Lieutenant may make Regulations as to Qualification for Service of Officers.

IV. It shall be lawful for the Lord Lieutenant from Time to Time to make Regulations limiting the Ages at which Persons may be appointed Officers of the several Ranks in the Militia, and for securing the Appointment of Persons as such Officers who are qualified to discharge the Duties of Officers of their respective Ranks, and also for that Purpose to prescribe by such Regulations any Conditions, as to Drill, Training, and Exercise, or otherwise, under or subject to which any such Appointment shall be made.

Provisions as to certain Property Qualifications repealed.

V. So much of any Act now in force as requires Property Qualifications in the Case of Persons to be appointed Officers in the Militia in *Ireland* shall, save as respects Appointments to the Rank o Captain or any higher Rank, be repealed.

Qualification of Deputy Lieutenant, Captain, or Officer of higher Rank.

VI. For the Purposes of the Qualification of any Captain or Officer of higher Rank in the Militia, it shall not be necessary that all or any Part of the Estate required to confer such Qualification be situate in *Ireland*, but such Estate may be situate in any Part of the United Kingdom, and a clear yearly Income arising from any Personal Estate within the United Kingdom, of or to which Personal Estate or the yearly Income thereof such Officer is possessed or entitled at Law or in Equity for his own Use and Benefit, in possession for his own Life, or for the Life of his Wife, or for some greater Estate or Interest, shall be deemed equivalent to an Estate in Lands of a yearly Value of

of the same Amount with such yearly Income, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly.

VII. Any Person holding or having held the Rank of Captain or any higher Rank in Her Majesty's other Forces, or in the Forces of the *East India* Company, may, without any Property Qualification, be appointed a Captain or Major of the Militia; and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any Property Qualification, be appointed a Lieutenant-Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant-Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

Persons holding certain Military Ranks may be appointed Officers without Property Qualification.

VIII. It shall be lawful for the Lord Lieutenant to appoint from Time to Time such Persons as to him may seem proper to be Adjutants, Quartermasters, Paymasters, Serjeants Major and Serjeants of the Militia; and the Provisions of the Act of the Forty-ninth Year of King *George* the Third, Chapter One hundred and twenty, applicable to Adjutants appointed by the Colonels as therein provided shall be applicable to Adjutants to be appointed as aforesaid, and any Person who shall actually have served Three Years in the Forces of the *East India* Company may be appointed an Adjutant; and the Corporals and Drummers of each Regiment, Battalion, or Corps shall be appointed from Time to Time by the Colonel or Commandant thereof: Provided always, that while any Regiment, Battalion, or Corps of Militia is drawn out and embodied, it shall be lawful for the Colonel or Commanding Officer of such Regiment, Battalion, or Corps to appoint from Time to Time the Serjeant Major and Serjeants of such Regiment, Battalion, or Corps, as Occasion may require, for supplying any Vacancy or Vacancies, or completing the full Number of such Serjeants.

Power to Lord Lieutenant to appoint Adjutants, &c.

Corporals and Drummers to be appointed by the Colonel.

IX. Any Person shall be qualified to serve in the Militia as Surgeon or Assistant Surgeon who shall possess a Diploma, Certificate, or Qualification such as shall be held to qualify such Person to act as Surgeon or Assistant Surgeon in the Army, anything in the said Act of the Forty-ninth of King *George* the Third, Chapter One hundred and twenty, to the contrary notwithstanding.

Qualification of Surgeons in Militia same as in the Army.

X. All Officers now holding Commissions in the Regular Militia in *Ireland* may, subject to such Regulations as may hereafter be made by the Lord Lieutenant, continue to hold such Commissions in the Militia to be raised under this Act, and to rank in the Militia Service

Existing Officers who are qualified for Service may continue.

Officers not so continued shall retain their Ranks.

Service according to the Dates of the Commissions now held by them respectively; and all Officers now holding such Commissions as aforesaid who shall not be so continued under this Act shall notwithstanding continue to hold their present Titles and Ranks as Officers of the Militia; and nothing herein contained shall extend to deprive such Officers not so continued of any Allowances to which they may now be entitled in respect of having held Commissions in the Militia when the same was last disembodied, or otherwise in respect of past Services, or to affect the Provisions authorizing the Grant of any retired or other Allowances to such Officers in respect of having held Commissions or of past Services as aforesaid.

Militia Men to be raised by voluntary Enlistment.

XI. For the Purpose of raising the Number of Men required to be raised under this Act, the Lieutenants of the said several Counties shall, in the Year One thousand eight hundred and fifty-four, as soon as conveniently may be after the passing of this Act, and in the Year One thousand eight hundred and fifty-five at such Time as the Lord Lieutenant shall, by Order made with the Advice of the Privy Council of *Ireland*, appoint for that Purpose, direct the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties, without Delay, to proceed to raise and enrol Volunteers to serve for the Term of Five Years in the Militia of such Counties, not exceeding the Numbers of Men for the Time being authorized to be therein raised under this Act, and such Colonels or Commanding Officers, and the Commissioned and Non-commissioned Officers of the Militia duly authorized by such Colonels or Commanding Officers, shall forthwith proceed to raise such Volunteers, being resident in the County in which such Men are directed to be raised, or in any County immediately adjoining thereto, and being able-bodied Men between such Ages and of such Height as shall be from Time to Time fixed by Regulations made by Her Majesty's Secretary-at-War, as herein provided, and for such Bounties or other Payments as shall be from Time to Time authorized by such Regulations; and the Deputy Lieutenants of Counties shall severally aid the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties in raising and enrolling Volunteers for such Militia in the several Parishes and Places where such Deputy Lieutenants may be resident, and otherwise as the Lieutenants of such Counties may from Time to Time direct; but no General or Subdivision Meeting shall be holden for that Purpose, unless such Meeting be convened pursuant to any special Order made in this Behalf by the Lord Lieutenant of *Ireland*.

Deputy Lieutenants to aid in raising Volunteers for the Militia.

The Number not raised by Enlistment

XII. Provided always, That where the Number of Men for the Time being required to be raised under this Act for any County has

has not been raised by voluntary Enlistment, it shall be lawful for the Lord Lieutenant, if it appear to him advisable so to do, by Order signed by his Chief or Under Secretary, to authorize and direct all or any Part of such Number of Men as shall be deficient to be raised by voluntary Enlistment in and for any County in which the full Quota may have been raised and kept up.

in any County may be authorized to be raised by Enlistment as a supplemental Corps in another County.

XIII. It shall be lawful for Her Majesty's Secretary-at-War from Time to Time to make Regulations as to the Amount of the Sums to be paid to Volunteers under this Act by way of Bounty or periodical Payment or Allowance in consideration of their enlisting in the Militia, such Bounty in no Case to exceed Six Pounds, and such periodical Payment or Allowance in no Case to exceed after the Rate of Two Shillings and Sixpence *per* Month during the Term of Service for which the Volunteer is enrolled, and as to the Time or respective Times, Conditions, and Manner of the Payment thereof, and as to the Ages between which Men may be received as such Volunteers, and as to the Height and for the Examination and Approval by Medical Men of all Men to be raised for the Militia under this Act, and as to all other Matters which, under the Provisions herein contained, are made subject to Regulations to be made by such Secretary-at-War; and all such Bounties shall be paid out of such Monies as shall be provided by Parliament in this Behalf.

Secretary-at-War may make Regulations.

XIV. All Regulations made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting then within Twenty-one Days after the next Meeting of Parliament.

Regulations to be laid before Parliament.

XV. The Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia, shall from Time to Time, and so long before the Expiration of the respective Terms of Service of the Militia Men belonging to their respective Regiments, Battalions, or Corps as shall be directed by Regulations to be made by the Secretary-at-War, raise and enrol or cause to be raised and enrolled Volunteers to supply the Places of such Militia Men; and shall from Time to Time, subject to any Regulations to be so made, raise and enrol or cause to be raised and enrolled Volunteers for supplying casual Vacancies by reason of Militia Men dying before the Expiration of their Term of Service, or being promoted to be Non-commissioned Officers or Drummers (except where they are so promoted in the Room of Non-commissioned Officers or Drummers reduced to the Ranks), or being discharged as unfit for Service, or in pursuance of the Sentence of a Court-martial, or having deserted.

Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.

Volunteers to be sworn and enrolled.

XVI. Every Volunteer so raised as aforesaid shall, when he has been examined and approved according to such Regulations as shall be made by the Secretary-at-War, take the following Oath:

'I *A.B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and that I will faithfully serve in the Militia in any Part of the United Kingdom of Great Britain and Ireland, for the Defence of the same during the Time of Five Years for which I am enrolled, unless I shall be sooner discharged:'

inserting therein the Name of the Sovereign for the Time being, which Oath shall and may be administered by any Justice of the Peace or Deputy Lieutenant for the County in which such Volunteer shall have been raised, or in which the Regiment, Battalion, or Corps for which he shall have been raised shall be at the Time of his joining the same; and every such Volunteer shall be enrolled in a Roll, to be prepared and kept by or under the Direction of the Colonel or Commanding Officer, to serve in the Militia for the County for which he is raised as a Militia Man, for the Space of Five Years.

Period of Training and Exercise.

XVII. The Period of Training and Exercise of the Militia in *Ireland* shall, save as herein-after provided, be Twenty-one Days in every Year; and such Militia or any Part thereof may be called out for Training and Exercise more than once in every or any Year, so as the whole Period of Training and Exercise of any Militia Man do not exceed Twenty-one Days in any Year, save as herein-after provided; and the Times and Places of Training and Exercise of the Militia Men serving for each County shall be appointed, with the Approbation of the Lord Lieutenant of *Ireland*, by the Lieutenant of such County.

Lord Lieutenant may, by Order in Council, cause Militia to be exercised out of their own Counties, or extend or reduce the Period of Exercise.

XVIII. Provided always, That it shall be lawful for the Lord Lieutenant from Time to Time, where, with the Advice of the Privy Council of *Ireland*, he may see fit, to order all or any Part of the Militia to be marched out of their own respective Counties into any Part of *Ireland*, for the Purpose of Training and Exercise, and also where, with such Advice as aforesaid, the Lord Lieutenant may see fit so to do, to extend or reduce the Period of Training and Exercise of all or any Part of the Militia, so as the whole Period of Training and Exercise in any Year shall not exceed Fifty-six Days nor be less than Three Days; and no fresh Notice shall be necessary where such Extension or Reduction is made during the Time of actual Training.

Time of Drill not to be reckoned

XIX. In case any of the Commissioned Officers or Privates of any Regiment, Battalion, or Corps shall previously to the assembling of

of the same for Training and Exercise, have been sent to their Head Quarters or attached to any Corps of Her Majesty's Regular Forces for Purposes of Instruction, the Time during which they shall have remained at their own Head Quarters or with the said Corps for Instruction as aforesaid shall not be reckoned as any Part of the Period during which any Commissioned Officers and Privates may be kept assembled for Training and Exercise as hereinbefore provided.

Lieutenant, with Approbation of Lord Lieutenant, to provide Places for Exercise.

XX. It shall be lawful for the Lieutenants of the several Counties, with the Approbation of the Lord Lieutenant, to take on Lease or Hire, for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of such Counties.

Notices of Times and Places of Exercise and in case of embodying Militia, how to be given.

XXI. Notices to Men who are enrolled in the Militia to attend Training and Exercise, or where any Order is made for drawing out and embodying the Militia or any Part thereof, to attend at any Place in pursuance of such Order, shall be sent, by the Order of the Colonel or Commanding Officer of the Regiment, Battalion, or Corps to which such Men belong, by the Post to the Residences of the several Men as stated on their Attestations, or as subsequently notified by them; and Public Notices shall also be sent to the County Inspector or other Chief Officer of the Police of the County, or in the *Dublin* Metropolitan District to the Superintendent of Police, who shall cause the same to be affixed by the Constables of such County or District on the Door or the outer Wall near the Door of every Church and Chapel in each Parish or Place in such County or District, including Places of Public Worship which do not belong to the Established Church; and if any Place have no Church or Chapel, then in such Manner as Public Notices are usually made known in such Places, and on the Doors or outer Walls as aforesaid of the Churches or Chapels of some Parish or Place adjoining; and such Notice so affixed as aforesaid shall be deemed a sufficient Notice to every Person enrolled by virtue of this Act, notwithstanding any Omission to send Notices by Post; and any such Man not appearing at the Time and Place appointed in any such Notice shall be subject to be punished and dealt with accordingly.

Lord Lieutenant may order increased Pay to Militia Men attached to the Artillery.

XXII. It shall be lawful for the Lord Lieutenant, if he think fit, to order and direct that any Militia Men who shall be attached to the Service of the Artillery, and shall do Duty as Artillery Men, shall receive increased Pay, not exceeding such and the like Pay, during the Time of their serving and doing Duty as Artillery Men as aforesaid, as any of the Men serving in the Royal Corps of Artillery are

or

or may be entitled to, and it shall also be lawful for the Lord Lieutenant to direct the same to be paid for such Periods, and under and subject to such Regulations and Restrictions, as he may from Time to Time deem proper and necessary.

Penalties for fraudulent Re-enlistment.

XXIII. Any Militia Volunteer who, before the Expiration of his Engagement as a Militiaman in any Regiment, Battalion, or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of Militia, whether of the Militia raised in *Ireland* or of the Militia raised in any other Part of the United Kingdom, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement), shall, upon Conviction thereof before any One Justice of the Peace, forfeit and pay any Sum not exceeding Ten Pounds, and in default of such Payment shall be imprisoned, with or without Hard Labour, for any Time not exceeding Three Months and shall also be liable to the Deduction out of the Bounty which he might otherwise have received in respect of his original Enlistment of a Sum equal to what he may have received upon his fraudulent Re-enlistment, and of such further Sum as the Colonel or Commanding Officer of the Regiment, Battalion, or Corps in which he may have originally enlisted shall think proper, or as the Secretary-at-War may from Time to Time direct, not exceeding the Expenses of his Attestation and Enrolment on such fraudulent Re-enlistment.

The Justice before whom a Militiaman is convicted of Re-enlistment in the Militia to send Report of Conviction to Secretary-at-War.

XXIV. The Justice before whom a Militia Volunteer shall be convicted of having enrolled or offered to enrol himself in another Regiment, Battalion, or Corps of Militia, or more than once in the same Regiment, Battalion, or Corps of Militia, shall send or cause to be sent to the Secretary-at-War a Report of such Conviction, stating the Name of such Volunteer, the Regiment, Battalion, or Corps of Militia to which he belongs, the Offence of which he has been convicted, and the Sentence or Decision of the Justice thereon, and where such Volunteer shall be imprisoned in pursuance of such Conviction, the Period when the Imprisonment will expire; and for such Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings, and no more; and the Secretary-at-War may transmit to the Justice so convicting an Order for the Payment to any Person who has apprehended and procured the Conviction of such Offender of such Sum not exceeding Twenty Shillings as he shall think fit.

Power to discharge Men from the Militia who have enlisted in the Regular Forces.

XXV. It shall be lawful for the Secretary-at-War at any Time to discharge any Militia Volunteer for Misconduct, Unfitness, or other Cause, upon such Conditions as he may from Time to Time direct, and such Volunteer shall have no Claim to future Pay or Bounty, or to release from future Attendance in the Militia any Volunteer who

may

may have fraudulently enlisted into Her Majesty's Regular Forces or into the Forces of the *East India* Company, or who may have fraudulently entered into Her Majesty's Navy, and who has been sentenced to Imprisonment, or to Forfeiture for a Period not exceeding Eighteen Calendar Months of One Penny a Day from his Pay in such Forces or Navy, and any Man so released shall serve with the Force which he may have enlisted into or entered in the United Kingdom or elsewhere, with the like Liabilities in all respects as any Soldier or Seaman in such respective Force, and his Place in the Militia shall be supplied in like Manner as if his Term of Service as a Militiaman had expired by Efflux of Time.

Provision for withholding Payment of Bounty from Men wrongfully absent from Training.

XXVI. Any Bounty which, under the Regulations made under this Act, may be payable during or in respect of Attendance at Training and Exercise shall be forfeited by any Man who wholly absents himself from such Training and Exercise without Leave lawfully granted, or Sickness, certified according to such Regulations; and any such Bounty which would otherwise be payable to any Man who partially absents himself as aforesaid without such Leave, or Sickness, certified as aforesaid, or who misconducts himself during the Training, shall be wholly withheld, or issued only in such Manner and in such Portions as the Secretary-at-War, upon the Report of the Commanding Officer, shall determine.

Enrolment in Militia not to cause Forfeiture of any Interest in any Benefit Society.

XXVII. No Man, by reason of his Enrolment or Service in the Militia, shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess, or may have possessed at the Time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Punishment of Men not attending, or absenting themselves during Training, and not taken till after.

XXVIII. Every Militiaman raised under this Act (not labouring under any certified Infirmity or Incapacity) who shall not appear at the Time and Place appointed for his being exercised (Notice having been given as by this Act required), or who, having joined the Regiment, Battalion, or Corps to which he belongs, or any Company or Companies or any Detachment or Division thereof, deserts or absents himself during the Time of any such Exercise, shall be deemed a Deserter, and if not taken until after the Time of such Exercise such Deserter shall, upon Conviction thereof before any Justice of the Peace, be liable to forfeit and pay a Sum not exceeding Ten Pounds;

 and

and if such Penalty be not immediately paid the said Justice shall sentence such Militiaman to be imprisoned, with or without Hard Labour, for any Period not exceeding Three Months, unless the said Penalty be sooner paid: Provided, that any Information may be laid against such Militiaman under this Section at any Time within the Period of his Engagement in the Militia.

Provision for Apprehension of Militiamen not attending or absenting themselves during Training.

XXIX. The Commanding Officer of any Regiment, Battalion, or Corps of Militia shall notify to the Secretary-at-War and to the Constables or other Officers of the Parishes and Places in which Militiamen reside who have not attended Training and Exercise, or who may have absented themselves during the Time of Training and Exercise of their respective Regiments, Battalions, or Corps, the Names and Descriptions of all such Militiamen who have so absented themselves; and it shall be lawful for any Constable or Officer, or for any Officer or Soldier in Her Majesty's Service or in the Militia, to apprehend or cause any such Militiaman to be apprehended, and to bring him or cause him to be brought before any Justice of the Peace, at any Time within the Period of his Engagement in the Militia, to be dealt with as herein-before mentioned, if the Battalion or Corps to which he belongs has ceased Training and Exercise, or to be committed to safe Custody until an Escort can be sent for him, if such Regiment, Battalion, or Corps be then out for Training and Exercise; and such Justice shall transmit a Report, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, and the Secretary-at-War shall transmit to such Justice an Order for the Payment to the Person or Persons by whom such Militiaman was apprehended and secured of such Sum not exceeding Twenty Shillings as the Secretary-at-War may think fit.

Penalty for inducing Militiamen to absent themselves, or harbouring or employing Militiamen absenting themselves.

XXX. Any Person who by Words or other Means shall persuade any Militiaman improperly to absent himself from his Duty, and every Person who shall assist or procure any Militiaman improperly to absent himself as aforesaid, or shall conceal, employ, or continue to employ any Militiaman, knowing him to be so improperly absent, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Penalty for buying Arms or Militia Stores.

XXXI. The Forty-fifth Section of the Act of the Forty-ninth Year of King *George* the Third, Chapter One hundred and twenty, shall be repealed, and if any Person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any Militia Arms, Clothes, or Accoutrements, or any such Articles belonging to a Militiaman as are generally deemed Regimental Necessaries according to the Custom of the Army, being provided for the Soldier, and paid for

for by Deductions out of his Pay, or any Public Stores or Ammunition delivered for the Militia, upon any Account or Pretence whatsoever, contrary to the true Intent and Meaning of this Act, and of the other Acts in force relating to the Militia, the Person so offending shall for every such Offence forfeit and pay not exceeding Ten Pounds; and if such Penalty be not immediately paid, and the Offender shall not have sufficient Goods and Chattels whereon to levy the same, the Justice by whom such Offender was convicted shall commit him to the House of Correction or Common Gaol, there to be imprisoned, with or without Hard Labour, for any Period not exceeding Six Months, unless the said Penalty be sooner paid.

Recovery of Penalties.

XXXII. All Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in *Ireland* under the Provisions of an Act passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland *with respect to summary Convictions and Orders.*

12 & 13 Vict. c. 50.

Application of certain Penalties.

XXXIII. One Moiety of every pecuniary Penalty or Forfeiture imposed under this Act upon any Person duly convicted of buying, taking in exchange, concealing, or otherwise receiving contrary to Law any Militia Arms, Clothes, Accoutrements, or Regimental Necessaries belonging to any Militiaman, or any Public Stores or Ammunition for the Service of the Militia, and every pecuniary Penalty or Forfeiture imposed under this Act upon any Person assisting, procuring, or persuading any Militia Volunteer improperly to absent himself from his Duty, or concealing, employing, or continuing to employ any such Volunteer, knowing him to be so improperly absent, shall go to the Person who shall inform or sue for the same, and the other Moiety, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty, shall be paid over and applied in such Manner as the Secretary-at-War shall direct, anything in any other Act to the contrary notwithstanding; and every Justice who shall adjudge any such Penalty or Forfeiture shall, within Four Days at the furthest, report the same and his Adjudication thereof to the Secretary-at-War.

XXXIV. All

Application of Penalties on Militiamen.

XXXIV. All Penalties imposed by this Act upon Militiamen (except the Deductions from Bounty, which shall be brought to Public Credit) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or other Bodies of Militia of the respective Counties to which the Militiaman belongs, and shall be made and accounted for as Part of the Public Stock of such Regiment, Battalion, or other Body of Militia respectively.

Volunteers under Instruction in the Army to be under Mutiny Act.

XXXV. Any Militia Volunteer attached for a Time for the Purpose of Instruction to any Regiment, Battalion, or Depôt of Her Majesty's Forces shall for such Time be deemed to be under the Operation of the Mutiny Act, in the same Manner as any Soldier enlisted in such Regiment, Battalion, or Depôt.

The Provisions of 49 G. 3. c. 120. as amended to extend to this Act.

XXXVI. All the Provisions of the Act of the Forty-ninth Year of King *George* the Third, Chapter One hundred and Twenty, and of any Act amending the same, or otherwise applicable to the Militia of *Ireland*, not hereby repealed, shall, subject to the Provisions of this Act, and so far as the same are not inconsistent herewith, extend and be applicable to the Militia to be raised under this Act, and to all the Purposes thereof; Provided always, that no general or other Meeting of Lieutenancy shall be held except when specially convened for such Purposes as are by this Act directed to be carried into effect by a General Meeting, or when convened under the Authority of the Lord Lieutenant of *Ireland*.

Notices of General and Subdivision Meetings to be sent to Deputy Lieutenants by Post.

XXXVII. Notices of the Days and Places of holding General Meetings of Lieutenancy shall be sent by the Post by the Clerk of the General Meetings to the several Deputy Lieutenants of the County Seven Days at the least before the Days appointed for holding such Meetings respectively; and any Notices of Subdivision Meetings required to be given to Deputy Lieutenants or others shall be sent by the Clerk of General Meetings by Post.

Expenses of House for depositing Arms and Stores of the Militia in Ireland to be defrayed by the County or County of a City.

XXXVIII. The Cost of providing any House or Place for the keeping of the Arms, Accoutrements, Clothing, or other Stores of the Militia, in each County or County of a City in *Ireland*, when not embodied, shall be defrayed by the County and County of a City respectively, and the necessary Sum for that Purpose, and all Arrears in respect of such Cost which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, and all Arrears which may be due in respect of the Allowance payable by the County or County of a City, under the Act now in force, to the Adjutant in respect of his Residence and Accommodation, and for the Cost of providing a House or Place for the Purposes aforesaid, shall be raised be

by the Presentment of the Grand Jury of such County and County of a City, and in the City of *Dublin* by the Town Council of the Borough of *Dublin*, under the Provisions of an Act of the Twelfth and Thirteenth of Her present Majesty, Chapter Ninety-seven, which Presentment the Grand Jury of the County or Town Council respectively shall pass, on a Certificate of the Sum required, signed by the Chief Secretary of the Lord Lieutenant, or in the Absence of such Chief Secretary by the Under Secretary or by the Assistant Under Secretary, without any Application at Presentment Sessions, and the Certificate shall be transmitted by such Chief or Under Secretary or Assistant Under Secretary to the Clerk of the Crown for such County at any Time prior to the First Day of Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term.

Power to borrow on Mortgage of the County Rates.

XXXIX. In order to distribute over a Term of Years such Portion of the Expenses of purchasing, building, enlarging, or altering such Places as aforesaid as are hereby directed to be raised by such Grand Jury and Town Council respectively, the Grand Jury of such County, County of a City and County of a Town, at the Assizes, and in the City of *Dublin* the Town Council of the Borough of *Dublin*, may, if they think fit, borrow all or any Part of the Money necessary for the aforesaid Purposes upon Mortgage of the County Cess and Rates of such County, County of a City and County of a Town respectively; and every such Mortgage may be in the Form in the Schedule (A.) to this Act annexed, or to the like Effect, and shall be executed by the Foreman of the Grand Jury present at the Assizes at the Time being, and in the City of *Dublin* by the Lord Mayor of *Dublin* and any Two of the Town Council, and shall be effectual for securing to the Person advancing the Sum in such Mortgage expressed, his Executors, Administrators, and Assigns, the Repayment thereof, with Interest, after the Rate, at the Times, and in the Manner in such Mortgage specified; and any Person entitled to any such Mortgage may transfer his Right and Interest therein to any other Person, such Transfer being made according to the Form in Schedule (B.) to this Act annexed, or to the like Effect; and the Persons to whom such Mortgages or the Transfers thereof are made, their Executors and Administrators, shall be Creditors upon the Rates and Funds thereby expressed to be charged, in an equal Degree one with another according to the respective Sums in such Mortgages mentioned to be advanced by them.

To provide for Interest on Mortgages and Repayment of Principal.

XL. The said Grand Jury and Town Council respectively shall in every Year provide for and cause to be paid out of the County Cess of such County, County of a City and County of a Town, and

and out of the Rates of such Borough of *Dublin*, in the Manner and at the Times in such Mortgages specified, the Monies required for the Time being to pay the Interest on the several Sums borrowed under this Act or the first-recited Act, and then unpaid, and shall also set apart and appropriate a further Sum, not being less than One Thirtieth Part of the Principal Sum originally borrowed upon such Mortgages, and shall apply the same in the Repayment of so much of the said Principal Sums then unpaid as it will extend to discharge, Year by Year, until the whole of such Principal Sums have been repaid; and the said Grand Jury and Town Council respectively shall, by Agreement with the Parties entitled to such Mortgages, or in default of Agreement by such other Means as they deem most equitable and convenient, determine the Order of Priority in which the several Sums advanced shall be repaid.

Power to reborrow.

XLI. It shall be lawful for the said Grand Jury and Town Council respectively, with the Consent of the Parties entitled to such Mortgages, to pay off from Time to Time any of the Monies so borrowed as aforesaid, and to reborrow from Time to Time the Sums necessary for that Purpose, but so nevertheless that all Monies borrowed under this or the first-recited Act shall be repaid within Thirty Years from the Time of first borrowing the same.

Interpretation Clause.

XLII. In the Construction of this Act the Expression "Lord Lieutenant," or "Lord Lieutenant of *Ireland*," shall mean the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and the Expression "the Militia" shall mean the Militia raised in *Ireland*.

Short Title.

XLIII. This Act may be cited for all Purposes as "The Militia (*Ireland*) Act, 1854."

SCHE-

SCHEDULE (A.)

Form of Mortgage.

By virtue of the "Militia (Ireland) Act, 1854," I *A.B.*, Foreman of the Grand Jury of [*or* Lord Mayor and Town Councillors, *as the Case may be*], in consideration of the Sum of paid to the Treasurer of the said County [*or* City *or* Borough] by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the [*here describe the Rates or Property intended to be mortgaged*] as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied (the Principal Sum to be repaid within not less than Years from the Date hereof). In witness whereof we have hereunto set our Hands and Seals [*or*, Given under our Corporate Seal], this Day of 18

(L.S.)

SCHEDULE (B.)

Form of Assignment of Mortgage.

I *A. B* of in consideration of the Sum of paid to me by *C. D.* of do hereby assign* to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage numbered made by the Foreman of the Grand Jury of [*or* the Lord Mayor and Town Council of the Borough of Dublin, *as the Case may be*], bearing Date the Day of for securing the Sum of and Interest thereon, [*or* (*if such Transfer be by Endorsement*)* the within Security,] and all my Right and Interest to and in the Monies thereby secured, and the Rates [*or* Lands, Tenements, and Hereditaments] thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of 18

(L.S.)

SCHE-

SCHEDULE (C.)

REPORT.

DESCRIPTIVE RETURN of committed to Confinement at on the Day of as an Absentee from the Training of the Regiment of Militia

Age	
Height	Feet Inches
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enrolment, and where	
Probable Date of absenting himself, and from what Place	
Name, Occupation, and Address of the Person by whom apprehended *	
Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds, and whether committed for safe Custody only, or as a Deserter under this Act, and if so, for what Period	

* It is important for the Public Service, and for the Interest of the Prisoner, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my presence that he † absent himself from the before-mentioned Corps.

——————*Signature and Address of Magistrate*
——————*Signature of Prisoner*
——————*Signature of Informant*

† Insert "did" or "did not," as the Case may be

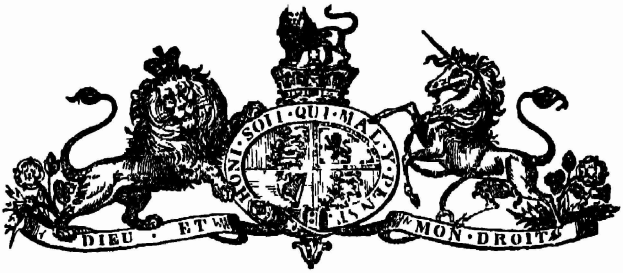
I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service

——————*Signature of Military Medical Officer, or Private Medical Practitioner*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CVIII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[11th *August* 1854.]

WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.

I. All General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, save such Proceedings as are or may be directed or authorized by or under the Act of the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty, and the Acts amending the same, shall cease and remain suspended until the First Day of *October* One thousand eight hundred and fifty-five.

II. Pro-

Militia Ballots Suspension.

Proceedings may be had during such Suspension by Order in Council.

II. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *Scotland* and *Ireland* respectively relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in *Scotland*, or to the Governors and Deputy Governor of Counties and Places in *Ireland*; and all the Provisions of the several Acts in force in *Scotland* and *Ireland* respectively relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Saving for certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. CIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [11th *August* 1854.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied, and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service: Be it therefore enacted by the Queen's most Excellent Majesty, by

 and

and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary-at-War to issue the Money required for Pay of Regular Militia.

I. The Secretary at-War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

For each Adjutant of Infantry, Eight Shillings, and of Artillery, Nine Shillings:

For each Serjeant Major of Infantry, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence, and of Artillery, Three Shillings:

For each Quartermaster Serjeant and Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence; and to the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence:

For each Serjeant of Infantry, One Shilling and Sixpence, and of Artillery, Two Shillings and Twopence:

For each Drummer, Trumpeter, or Bugler above Sixteen Years of Age, One Shilling, and under Sixteen Years of Age, Tenpence:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Clothing

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, Three Pounds for each Serjeant, and Two Pounds Eighteen Shillings and Sevenpence for each Drummer, and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expense of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary-at-War: Provided always, that Serjeant Majors, Serjeants, and Drummers on the Disembodied Staff of the Militia of *England* and *Wales*, and such Serjeant Majors and Serjeants as were serving on the Disembodied Staff of the Militia of *Ireland* and *Scotland*, on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff of

of the Militia of *Ireland* and *Scotland* shall be entitled to be clothed once in Four Years, unless a Militia Force be raised in *Ireland* and *Scotland*, and then the Disembodied Staff shall be entitled to be clothed once in Two Years:

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled.

Contingent Fund.

II. Except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary-at-War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutant, &c. to reside where the Secretary-at-War shall appoint.

III. Every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutants and Non-commissioned Officers of Militia may be employed in their Counties.

IV. The Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps), and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Adjutant to have Charge of the Arms and Clothing and to issue the Money for contingent Expenses on an Order signed by the Colonel.

Balance to form a Stock Purse.

V. In

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel	1	2	6	1	2	6
Lieutenant-Colonel	0	15	11	0	15	11
Major	0	14	1	0	14	1
Captain (including non-effective Allowance)	0	10	6	0	10	6
Lieutenant	0	6	6	0	6	6
Ensign	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards*	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies*	0	2	6	0	2	6
" if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards*	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies*	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission)	0	6	6	0	6	6
" (if holding a Subaltern's Commission)	0	3	6	0	3	6
Surgeon	0	11	4	0	11	4
Assistant Surgeon	0	7	6	0	7	6
Serjeant Major*	0	0	2¾	0	0	6
Quartermaster Serjeant*	0	0	4¾	0	0	4
Paymaster Serjeant*	0	0	4¾	0	0	4
Serjeant (if on the Permanent Staff)*	0	0	0¼	0	0	4
" (if not on the Permanent Staff)	0	1	6¾	0	2	6
Corporal	0	1	2¼	0	1	4¼
Drummer, Bugler, or Trumpeter	0	0	1	0	0	3
Private	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn	0	3	0	0	3	0
Beer Money to each Non-Commissioned Officer, Drummer, and Private present at Training and Exercise	0	0	1	0	0	1

* These Rates of Pay, during Training and Exercise only, are in addition to the daily Rates of Disembodied Pay granted by Section 1.

VII. Volunteers

Militia Pay.

VII. Volunteers may, with the Sanction of the Secretary-at-War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

VIII. The following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein when the Corps was disembodied on the Termination of the last War, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the last War, and which has been reduced to its original Establishment; (that is to say,)

Allowances to certain Subalterns and Surgeons Mates and Assistant Surgeons.

To a Lieutenant, Two Shillings and Sixpence *per Diem:*

To an Ensign, Two Shillings *per Diem:*

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem:*

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Rank of certain Officers.

IX. The Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace of the United Kingdom, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (videlicet,)

A Declaration to be taken to entitle Officers, &c. to such Allowances.

'I *A B.* do solemnly and sincerely declare, That I belonged to the
' of Militia when the same was disembodied,
'and that I have continued to serve therein from that Time until
'the Day of inclusive, as a [Lieutenant,
'Ensign,

Form of Declaration.

'Ensign, Surgeon's Mate, *or* Assistant Surgeon, *as the Case may be*]; 'and that I was not, in my own Right or in the Right of my Wife, 'during any Part of the Period for which I now claim to receive my 'Allowance, (that is to say,) from the Day of ' to the Day of both 'inclusive, in the actual Possession and Enjoyment or Receipt of the 'Rents and Profits of Lands, Tenements, or Hereditaments of such 'an annual Value above Reprises as would qualify me to hold a 'Commission of Captain of a Company in the Militia; that I was 'not in Holy Orders; that I have not during the above Period held 'the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-'master in any Regiment, Battalion, or Corps of Militia; that I did 'not hold or enjoy, nor did any Person for me hold or enjoy, during 'the said Period, any Place, Office, or Employment of Profit, Civil 'or Military, under the Crown or any other Government, besides 'the Allowance of a Day now claimed, except 'my Half Pay as a [of the Army *or* 'Navy *or* Marines, *or* of a Provisional Battalion formed from the 'Militia, *as the Case may be*,] and any Pay and Allowances from the ' to the both Days inclusive, during which 'Period the Corps was assembled for Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Secretary-at-War may place certain Officers unfit for Duty upon a retired Allowance, upon making the following Declaration.

X. It shall be lawful for the Secretary-at-War to place any such Lieutenant, Ensign, and Surgeon's Mate of the Militia of *Great Britain*, or Subaltern Officer and Assistant Surgeon of the Militia of *Ireland*, when unfit for further Duty, upon a retired Allowance equal to and instead of the Allowance granted on the disembodying of the Militia at the Termination of the last War; and all such Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowance, shall make and subscribe the following Declaration; (*videlicet*,)

Form of Declaration.

'I do solemnly and sincerely declare, That I ' formerly served as a in the 'Militia; that I am not in Holy Orders; and that from the 'Day of to the Day of 'I did not hold or enjoy any Place or Employment of Profit, Civil 'or Military, under Her Majesty, or in the Colonies or Possessions 'of Her Majesty beyond the Seas, or under any other Government, 'besides my Allowance of per Diem as a of the 'said Militia, except my Half Pay or Civil Pension as a .'

XI. The

Militia Pay.

XI. The Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced, in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act; and it shall be lawful for the Secretary-at-War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and instead of his reduced Allowance.

Allowances to Officers reduced in 1829.

XII. Every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

A Declaration to be taken by Officers claiming the said Allowances.

'I *A.B.* do solemnly and sincerely declare, That I was serving as '[Paymaster, Surgeon, *or* Quartermaster, *as the Case may be*] in 'the of Militia at the Reduction of the Staff 'of the said Militia in One thousand eight hundred and twenty-'nine; and that I was not in Holy Orders during any Part of the 'Period for which I now claim to receive an Allowance, that is to 'say, from the Day of One thousand eight 'hundred and to the Day of One 'thousand eight hundred and ; and that I did not 'hold or enjoy, nor did any Person for me hold or enjoy, during any 'Part of the said Period, any Place, Office, or Employment of Profit, 'Civil or Military, under the Crown or any other Government, 'besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy '*or* Marines, *or* of a Provisional Battalion formed from the Militia, '*as the Case may be*], and except my Pay and Allowances from 'the to the both Days inclusive 'during which Period the Militia was assembled for 'Training and Exercise.'

Form of Declaration.

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance

Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

XIII. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XIV. Every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming to be entitled to such Allowance shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided also, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned) to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

Commanding Officers may grant Leave of Absence.

XV. Pro-

Militia Pay.

XV. Provided always, in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XVI. Upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, except Income Tax.

Allowances to be paid quarterly.

XVII. The Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion, or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary-at-War, and in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

On Neglect of Attendance, Subalterns, &c. shall forfeit Allowance.

Militia Pay.

Allowance not to be paid while the Militia embodied.

XVIII. Nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to any such Allowance as aforesaid or any Part thereof during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Act not to give Right to Allowances on future Disembodiment.

XIX. Nothing herein-before contained shall be construed to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, now or hereafter serving in any Regiment, Battalion, or Corps of Militia now or hereafter to be embodied, to any Allowance in respect of such Service upon the disembodying of such Regiment, Battalion, or Corps.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XX. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c. Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XXI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XXII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for

for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24th Dec. 1814 entitled to receive, after a Service of 20 Years, if unfit for further Service, an Allowance of 8*s.* per Day, provided they do not hold certain other Appointments.

XXIII. Every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary-at-War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary-at-War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem:* Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary-at-War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided also, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully,

Adjutant appointed since 24th Dec. 1814

entitled to receive, after Thirty Years Service, &c., an Allowance of 6s. per Day.

faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary-at-War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary-at-War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided also, that in Cases of very long and meritorious Services it shall be lawful for the Secretary-at-War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, hereinbefore prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

Allowances to Adjutants, Surgeons, and Quartermasters.

XXIV. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Reduced Adjutants to receive 4s. per Day till 31st July 1855.

XXV. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty-four, or from the Time such Regiment shall cease and

and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty-five, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

XXVI. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem:* All such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty-four to the Thirty-first Day of *July* One thousand eight hundred and fifty-five.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXVII. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland* who have been appointed since the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, and who shall hereafter be appointed, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit for the Performance of the Duties of their Commissions; (that is to say,)

Allowances granted to Adjutants who have been appointed since 24th Dec 1814, &c. on Completion of certain Periods of Service.

To every Adjutant who shall have completed in the Service a Period of, (*videlicet,*)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem:*

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem:*

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem:*

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem:*

Provided always, that no such Adjutant whose Commission bears Date between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three shall be excluded from the Operation of

No Adjutant whose Commission bears Date between 24th Dec. 1814

and 9th July 1823 excluded.

Right to Half Pay and Pension reserved.

of the Authority vested in the Secretary-at-War to determine certain Cases of Adjutants of long and meritorious Services; provided also, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary-at-War of a Certificate of such Service and Disability; and the Paymaster General shall pay to such Adjutant the above Allowance, subject to the same Limitations and Restrictions in respect to the holding of any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, as attach to other Adjutants to whom retired Allowances have been or shall be granted.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XXVIII. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty, other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Proviso.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XXIX. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth

eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowance to Clerks of General Meetings, &c.

XXX. Where the Militia is raised by Ballot in *Great Britain*, Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

XXXI. The said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Clerks, &c to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in *Scotland*.

'I do solemnly declare, That I am the Parochial Schoolmaster [*or* Constable *or* other Officer] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.'

And the said Accounts shall be transmitted to the Secretary-at-War, who is hereby empowered to issue the Allowances according to the Rates

Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXXII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet,*)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service of the Man or Men about to be submitted to my Exami-'nation, and that I will not receive from any of them any Fee or 'Reward whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary-at-War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary-at-War.

XXXIII. All Sums of Money granted for the Pay, Clothing, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary-at-War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXIV. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

XXXV. No

XXXV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrants or Sum of Money which shall be issued in relation to or in pursuance of this Act. No Fee to be taken

XXXVI. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*. All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXXVII. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and fifty-four until the First Day of *September* One thousand eight hundred and fifty-five. Continuance of Act.

SCHEDULES to which this Act refers.

SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - from 401 to 600 Men -	3	3	0
Ditto - - from 601 to 800 Men -	4	4	0
Ditto - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto 251 Names and upwards - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES to CLERKS of SUBDIVISION MEETINGS.

	£	s.	d.
14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards - -	5	5	0

Militia Pay.

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - - -	0	10	0
Ditto from 151 to 250 Names - - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

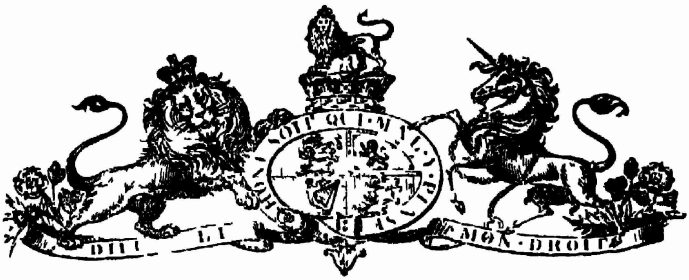
SCHEDULE B.

SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.

	Per Annum. £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 -	15	0	0
Where the Quota is			
Above 200, and not exceeding 400 - - -	20	0	0
Above 400, and not exceeding 500 - - -	25	0	0
And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100.			
Above 500, and not exceeding 1,000 - - -	4	0	0
Above 1,000, and not exceeding 2,000 - -	3	0	0
Above 2,000, and not exceeding 3,000 - - -	2	0	0
Above 3,000, and not exceeding 4,000 - -	1	10	0
Above 4,000 - - - - - -	1	0	0
The actual Expense incurred in printing or advertising, and for Postage:			
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - - -	2	2	0

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CX.

An Act to provide for the Repayment of Monies advanced from the Exchequer to the County of *Mayo* for public Purposes. [11th *August* 1854.]

WHEREAS under the Provisions of certain Acts of Parliament divers Sums of Money have been from Time to Time advanced by the Commissioners of the Treasury for the Erection and Maintenance of Public Works in the County of *Mayo*, and for other public Purposes in the said County, to be repaid by the said County or some Barony or Baronies thereof, and there is now due to the said Commissioners of the Treasury for Arrears on Foot of such Advances the Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling, the several Items whereof, and the Purposes for which the same respectively have been advanced, are set forth in the Schedule to this Act annexed: And whereas owing to the general Distress of the said County and other Causes it has become difficult to collect the said Arrears out of the Lands now charged therewith, and in consequence of the Death or Absence from the Country of several of the Grand Jury Cess Collectors it has become impossible to procure from them Affidavits that the said Sums are so in arrear, and that the same cannot be levied from the Persons or out of the

Lands originally chargeable with the same, and it is doubtful whether (without the Production to them of such Affidavits) it is competent to the Grand Jury of the said County to re-present the said Arrears: And whereas it is expedient to provide for the Repayment by Instalments to the said Commissioners of the Treasury of the said Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling, and to enable the Grand Jury of the said County to present the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grand Jury of Mayo may present Sum to be levied by Instalments in Discharge of Debt and Interest

I. Notwithstanding anything in the One hundred and forty-fifth Section of the Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter One hundred and sixteen, contained, and without the Production to them of such Affidavits as are by the same Section required, it shall and may be lawful for the Grand Jury of the County of *Mayo* and they are hereby required, at the next Assizes after the passing of this Act, to present the said Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling to be levied off the said County (or the Barony or Baronies or other Denominations thereof off which the same was originally required by the Treasurer's Warrant to be collected), by Twenty equal half-yearly Instalments, or by such and so many half-yearly Instalments as the Commissioners of the Treasury shall direct, with Interest upon such Portion of the said Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling as now bears Interest, and shall from Time to Time remain unpaid, and at the Rate at which the same Interest is now payable.

Directing when and how Instalments are to be levied

II. The said Instalments and such Interest as aforesaid shall be levied off the said County or the Baronies or other Denominations liable thereto half-yearly after each successive Assizes, until the whole shall be levied and collected, and the First Instalment thereof, with such Interest as aforesaid, shall be levied immediately after the Assizes which shall happen next after the passing of this Act; and the Treasurer for the Time being of the County of *Mayo* shall and he is hereby required to applot and insert in his Warrant for levying the Sums presented at the said next Assizes the Amount of such First Instalment and Interest, and in like Manner, without further Presentment or Authority in that Behalf, to applot and insert from Time to Time in his Warrant or Warrants for levying the Sums presented at each succeeding Assizes the Amount of the said Instalments respectively, with such Interest as aforesaid, according as the same Instalments and Interest respectively shall from Time to Time become leviable,

leviable, until the whole Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling, with such Interest as aforesaid, shall be so raised and levied.

III. In case the Grand Jury of the said County of *Mayo*, at the Assizes next after the passing of this Act, shall neglect or refuse duly to present the said Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling, with the Interest and in the Manner by this Act provided, the Court shall have Power and is hereby required, before the finding of any of the other Presentments, to make an Order directing the said Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling, with such Interest as aforesaid, to be raised and levied as if the same Sum and Interest had been so presented, and such Order shall have the Force and Effect of a Presentment; and the said Sum and Interest shall accordingly be inserted by the Instalments aforesaid in the Warrants of the Treasurer of the said County, and applotted and raised and levied and applied in like Manner, to all Intents and Purposes, as if the same had been duly presented by the said Grand Jury under the Provisions of this Act.

If Grand Jury neglect or refuse, the Court to have Power to order the Sum to be raised.

IV. Each such half-yearly Instalment and such Interest as aforesaid, according as the same shall from Time to Time become payable, shall be a Charge upon all Money, Rates, and Cesses whatsoever levied or collected for the Purposes of the said County or of the Baronies or other Denominations thereof upon which the same Instalments and Interest shall be applotted, in preference and priority to all other Liens, Charges, or Demands whatsoever upon the same County, Baronies, or other Denominations; and the Amount of such Instalments and Interest shall be paid by the Treasurer for the Time being of the said County, as and when the same shall become due, out of such Public Money, Rates, and Cesses as aforesaid as shall first come to his Hands, (so far as the same shall extend,) in priority and preference to any other Lien, Charge, or Demand whatsoever upon the same; and the said Treasurer shall pay over the said Amount to such Person and in such Manner as the said Commissioners of the Treasury shall from Time to Time direct: Provided always, that such Presentment and Payments shall (except as to the Priority lastly herein-before given to them) be without Prejudice to the Repayment of all other Advances which have been heretofore made or which may be hereafter made to the said County by the said Commissioners of the Treasury, and which are not comprehended in the aforesaid Sum of Nine thousand eight hundred and ninety-three Pounds One Shilling.

Instalments and Interest as aforesaid to be a Charge on the Rates, &c

SCHE-

Mayo County Advances.

SCHEDULE to which the foregoing Act refers.

ARREARS due on PRESENTMENTS passed by the GRAND JURY of the County of MAYO up to Spring Assizes, 1853, inclusive.

When presented.	Roads and Bridges. 6 G. 4. c. 101.	Repairs of Post Roads. 6 & 7 W. 4. c. 116.	Gaols and Bridewells. 50 G. 3. c. 103. and 7 G. 4. c. 74.	Support of Lunatics. 6 G. 4. c. 54.	Constabulary. 6 W. 4. c. 13.	Public Works. 9 Vict. c. 2. and 9 & 10 Vict. c. 78.	Improvement of the River Shannon. 2 & 3 Vict. c. 61.	Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Spring Assizes, 1850	—	—	—	—	646 2 8	279 18 0	—	926 0 8
Spring Assizes, 1852	631 1 1	27 15 0	575 0 0	677 9 0	429 0 11	1,856 16 10	142 16 9	4,339 19 7
Summer Assizes, 1852	—	41 2 6	—	—	397 18 0	1,856 16 10	—	2,295 17 4
Spring Assizes, 1853	—	148 6 8	575 0 0	632 2 6	358 17 5	—	77 14 3	1,792 0 10
£	631 1 1	217 4 2	1,150 0 0	1,309 11 6	1,831 19 0	3,993 11 8	220 11 0	9,353 18 5
Loans by the Board of Works under 1 & 2 W. 4. c. 33. - - -							76 5 11	
Ditto 6 & 7 Vict. c. 44. - - -							462 16 8	
								539 2 7
								£ 9,893 1 0

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. CXI.

An Act to continue and amend the Metropolitan Sewers Acts. [11th *August* 1854.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her Majesty, "to consolidate and continue in force for Two Years, and "to the End of the then next Session of Parliament, the Metropolitan "Commissions of Sewers," and such Act has been amended by an Act passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-three, and has been further amended and has been continued by an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Seventy-five, and an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Sixty-four, and an Act of the last Session of Parliament, Chapter One hundred and twenty-five, and stood continued until the Seventh Day of *August* One thousand eight hundred and fifty-four: And whereas it is expedient to revive and continue the said Acts for such Period as herein mentioned, and to amend the same as herein provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 112.
12 & 13 Vict. c. 93.
14 & 15 Vict. c. 75.
15 & 16 Vict. c. 64.
16 & 17 Vict. c. 125.

I. The

Metropolitan Sewers.

Metropolitan Sewers Acts continued till 31st August 1855.

I. The said first-mentioned Act, as amended by the other Acts herein-before mentioned and by this Act, shall be revived and continue in force until the Thirty first Day of *August* One thousand eight hundred and fifty-five, in like Manner as if the Time so limited had been the Time originally limited by the said firstly-mentioned Act for the Continuance thereof.

Pending Vacancy in Office, or during Absence of Chairman or Deputy Chairman, Commissioners present to appoint a Person to preside at Court

II. In case of a Vacancy in the Office of Chairman or Deputy Chairman under the Provisions of the said Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Seventy-five, or in case of his or their Absence from any Court of Sewers, some other Commissioner shall be chosen, by the Majority of the Commissioners present, to preside at such Court; and in case there be an equal Number of Votes upon such Choice, then the Person proposed whose Name shall stand first in the Commission shall preside; and if there be an equal Division of Votes upon any Question, the Person so presiding at such Court shall, in addition to his own Vote as a Commissioner, have a Second or Casting Vote, as provided by the said firstly-mentioned Act; and the Person so chosen to preside shall have and perform all the Powers and Duties given to and required to be performed by the Chairman of the Metropolitan Commissioners of Sewers, under the Provisions of the said Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Seventy-five.

Limit of Amount to be borrowed on Security of Rates, 600,000*l*

III. And whereas by the Second Section of the said Act passed in the last Session of Parliament, Chapter One hundred and twenty-five, it is enacted, that the Sum of Three hundred thousand Pounds shall be the Limit and Extent of the Debt due and owing on the Security of the Rates authorized to be made as therein mentioned at any one and the same Period of Time: And whereas it is expedient to extend the said Limit: Be it therefore enacted, That the Sum of Six hundred thousand Pounds shall be the Limit and Extent of the Debt due and owing on the Security of the said Rates at any one and the same Period of Time; and that the said Second Section of the said last-mentioned Act shall be read and construed as if the Words "Six hundred thousand Pounds" had been inserted therein instead of the Words "Three hundred thousand Pounds" wherever such last-mentioned Words occur therein.

No Priority amongst Mortgagees or Annuitants, except with respect to existing Charges.

IV. All Persons to whom at the Time of the passing of this Act any Sums of Money are due and owing on the Security of the said Rates, whether in respect of any Mortgages made under the Powers of the said Acts or any of them, or in respect of any Securities made and entered into before the issuing of the First Commission under

under the first of such Acts, and all Persons to whom any Sums shall become due and owing in respect of any Mortgage of the said Rates made or to be made in pursuance of a certain Deed of Agreement bearing Date the Twentieth Day of *February* now last past, and made between the Metropolitan Commissioners of Sewers of the one Part, and *Robert Hudson*, *Charles Bladen Carruthers*, and *William Beckwith Towse*, Three of the Directors of the *Rock* Life Assurance Company, of the other Part, shall, in respect of such Debts and Securities, have Priority over and be entitled to be repaid the Sums so due and owing, or so to become due and owing to them, in preference to all other Mortgagees and Annuitants by whom Advances shall be made after the passing of this Act; and, subject to such Priority and Preference, every future Mortgagee or Annuitant shall be entitled to be repaid the Sums he shall advance, with Interest, or to be paid the Annuity which shall be granted to him, without any Preference over any other Mortgagee or Annuitant by reason of any Priority of Advance, or the Date of his Mortgage or other Security.

Securities to continue valid notwithstanding the Expiration of the Act or the Discontinuance of the Commission.

V. Notwithstanding the Expiration at any Time hereafter of the firstly herein-before recited Act, or of any Act or Provisions incorporated therewith, or in case at any Time hereafter no Commission of Sewers shall be in force under the said firstly-recited Act, all Mortgages and Annuities which at or immediately before the Time of the Expiration of the said firstly-recited Act, or of the Expiration or Determination of the Commission of Sewers which shall have been last in force thereunder (whichever of such Events shall first happen), shall be a Charge on all or any of the Rates authorized to be levied under the said firstly-recited Act and the Acts amending the same, shall continue valid and in full Force and to be a Charge on the Districts on which such Rates would have been authorized to be levied in case such Acts and Commission respectively had continued in force, and on the Property rateable thereto; and, unless Parliament otherwise provide, the Commissioners of Her Majesty's Treasury shall, with all convenient Speed after the Expiration of the said firstly-recited Act or the Expiration or Determination of such Commission, ascertain or cause to be ascertained the Liabilities of such Districts in respect of such Mortgages and Annuities, and where any such Mortgages or Annuities are charged on more than One District shall apportion or cause to be apportioned as between the respective Districts charged therewith the Liabilities under such Mortgages or Annuities, and shall certify the Amount of Charge to which each District is subject in respect of the Liabilities ascertained, or ascertained and apportioned as aforesaid, to the Clerk of the Peace for the County the Justices of which are herein-after authorized to make Rates in respect thereof upon each such District.

VI. The

Quarter Sessions of the Metropolitan Counties to levy Rates required for such Securities.

VI. The Justices of the Peace for the County of *Middlesex* in Quarter Sessions assembled shall, as to the Parts charged by any such Mortgage or Annuity which may be situate on the North Side of the River *Thames*, and the Justices of the Peace for the County of *Kent* in Quarter Sessions assembled shall as to the Parts so charged within the Limits of the Sewerage Districts known as the *Greenwich* District and the *Ravensbourne* District, and the Justices of the Peace for the County of *Surrey* shall as to the Parts so charged which may be situate on the South Side of the River *Thames*, save and except the said *Greenwich* District and *Ravensbourne* District respectively, make, collect, demand, and levy, and exercise all and every the Powers and Authorities for and with reference to the making, demanding, collecting, and levying of all such Rates for the Payment of the Principal Money and Interest and Annuities, or the apportioned Part thereof respectively, certified by the Commissioners of the Treasury as aforesaid to the Clerk of the Peace of such respective County, as the Metropolitan Commissioners of Sewers might or could have done in case the said firstly-recited Act and any Act or Provisions incorporated therewith had not expired and a Metropolitan Commission of Sewers were in force thereunder; and all Money raised by means of such Rates shall be paid over to such Person or in such Manner as the said Commissioners of the Treasury may appoint for the Purpose of being applied towards Payment of the Principal and Interest and Annuities or apportioned Part thereof respectively certified as aforesaid.

Separate Districts may be formed for Sewerage Purposes of Places where no Sewers Rate at present raised.

VII. Whereas the Area included within the Limits of the Commission under the said first-mentioned Act comprises several Parts and Places in which no Sewers Rates have been raised or levied by the Commissioners acting by virtue of any Commission issued under the said first-mentioned Act, and in which such Commissioners have either wholly or for the most part, in pursuance of the Discretion vested in them by such first-mentioned Act, forborne to exercise their Jurisdiction: And whereas it may be convenient to form some of such Parts or Places into separate Districts for Sewerage Purposes, under the Jurisdiction and Control of Sewerage Boards, to be constituted in manner herein-after mentioned: Be it enacted, That from Time to Time, upon an Application in Writing signed by not less than Two Thirds in Number of the Inhabitants of any of such Parts and Places as aforesaid which it may be proposed to form into a separate District for Sewerage Purposes, as herein-after mentioned, rated to the Relief of the Poor, describing therein or upon a Plan annexed thereto the Limits of such proposed District, and its Fitness, in respect of Extent, Situation, Fall of the Ground, and other Circumstances, to be formed into a separate District for Sewerage Purposes, and also showing that the

the said Inhabitants, rated as aforesaid, are desirous of immediately providing Sewerage by means of a Sewers Rate to be raised in such proposed District, not exceeding One Shilling in the Pound in the Year on the net annual Value of the Property therein rateable to the Relief of the Poor, or (in case there shall be no Rate for the Relief of the Poor) upon an Estimate of the net annual Value of such Property by a competent Person in that Behalf, and showing that fit and proper Sewers for such District can be made and provided at a Cost which can or may be defrayed by means of such Sewers Rate, or by Monies borrowed on the Security thereof, and that the Sewerage of such District can be conveniently managed and conducted by a Sewerage Board, to be constituted as herein-after mentioned, the said Commissioners shall thereupon proceed to examine and consider the said Application, and if, on such Examination and Consideration, they shall be of opinion that the several Parts and Places in the said Application mentioned or referred to can be conveniently and properly excepted from their Jurisdiction, and, either alone or together with other contiguous Parts and Places, formed into a separate District for Sewerage Purposes, as herein-after mentioned, they shall and may order and decree accordingly, and thereupon the several Parts and Places described in such Order and Decree shall be excepted from the Jurisdiction of the said Commissioners, and become subject to the Jurisdiction and Control of a Sewerage Board, to be appointed in manner herein-after mentioned.

Inhabitants to elect Sewerage Board of such Districts.

VIII. When and as often as any such District shall have been excepted from the Jurisdiction of the said Commissioners in manner aforesaid, it shall be lawful for the Inhabitants thereof rated to the Relief of the Poor therein, at a Public Meeting to be convened in manner herein-after directed, to elect from their Number Seven Persons, duly qualified, to be and be called the Sewerage Board of such District, which Board shall be authorized and empowered forthwith to execute and superintend the Execution of the Works necessary for the Sewerage of such District, of which Board not less than Five shall be a Quorum; and within One Calendar Month next after the Date of any such Order and Decree as aforesaid the Churchwardens and Overseers of the Parish or Parishes either wholly or partly situate within such District, or the major Part of them, shall and they are hereby required, by public Notice to be affixed on the Outside of the principal public Buildings within the District, to call a Meeting of the Persons so rated to the Relief of the Poor as aforesaid, to be holden at a convenient Time and Place therein, to be specified in such Notice, for the Purpose of electing Seven Persons to be and constitute the Sewerage Board for such District.

Mode of Elections.

IX. On the Day so appointed for such Election the Ratepayers then rated to the Relief of the Poor, and having been so rated for Six Calendar Months next preceding the Day of such Election, desirous of voting, shall meet at the Time and Place appointed, and shall then and there elect a Chairman from among themselves to preside at such Meeting, and shall thereupon proceed to the Election of Seven Persons, qualified as herein-after mentioned, to be and constitute the Sewerage Board of such District; and such Election shall take place by open voting, and shall be decided by a Majority of Votes; and in case of an Equality of Votes the Chairman shall have a Casting Vote; and the Chairman shall at such Meeting declare the Names of the Ratepayers who shall have been so elected, and a List of the Persons so elected shall be forthwith affixed on the Outside of the principal public Buildings in such District.

Qualification of Members.

X. The Members of every such Sewerage Board to be elected at each and every Election under this Act shall be Persons qualified by Law to be elected Members of the Board of Guardians of any Union wholly or partly within such District.

Members of Sewerage Board to continue in Office till 31st August 1855.

XI. The Members of every Sewerage Board to be elected in manner aforesaid shall continue in Office until the Thirty-first Day of *August* One thousand eight hundred and fifty-five: Provided always, that in case of any Vacancy in the Number of Members aforesaid by Death, Resignation, or otherwise, the Majority of the remaining Members of such Board shall elect another Person, qualified as aforesaid, to supply such Vacancy.

Surveyor to be appointed

XII. Every such Sewerage Board shall have Power to employ a Surveyor to make a Plan of Sewerage for such District, and shall be authorized to pay him reasonable Remuneration for his Services in this Behalf; and such Plan, when made and approved of by the Sewerage Board, shall be submitted by them to the said Commissioners, for their Consideration and Approval, who shall, if they see fit, have Power to direct any Alteration or Modification of such Plan, or to direct a new Plan to be made; and when a Plan of Sewerage for such District shall be approved by the Sewerage Board and by such Commissioners, the Sewerage Board shall execute the Works necessary for carrying such Plan into effect.

Power of Sewerage Board to make Rates, &c

XIII. Every such Sewerage Board shall have, exercise, and observe within their District all the Powers, Authorities, and Obligations as to the making, demanding, levying, and enforcing of Rates, and the borrowing of Money on the Security of such Rates, and the Execution of Works, and the keeping and maintaining the same in repair, and

and the enforcing of the Drainage of Houses, and the Abolition of Nuisances, and all other the Powers, Authorities, and Obligations by the said Acts or any of them given to or imposed upon the Metropolitan Commissioners of Sewers: Provided always, that the Sewerage Board of any such District as aforesaid shall be and is hereby authorized and empowered to raise and levy Sewers Rates within the Limits of such District for any Amount not exceeding in the whole in any One Year the Amount of One Shilling in the Pound on the net annual Value of the Property rateable to such Sewers Rate ascertained in manner aforesaid; provided also, that nothing herein contained shall authorize or empower any Sewerage Board constituted in manner aforesaid to cause any of their Sewers, constructed by them under the Provisions herein-before contained, to communicate with or discharge into any of the Sewers of the Metropolitan Commissioners of Sewers, without their Consent in Writing first had and obtained.

XIV. This Act shall be deemed to be incorporated with "The Metropolitan Sewers Act, 1848," and shall be construed and taken as if this Act and "The Metropolitan Sewers Act, 1848," were One Act.

This Act incorporated with 11 & 12 Vict. c. 112.

XV. Provided always, That this Act shall not be taken to abridge the Continuance of so much of the said Act of the Twelfth and Thirteenth Years of Her Majesty, and of so much of the said Act of the Sixteenth and Seventeenth Years of Her Majesty, as will not expire on or before the said Seventh Day of *August* One thousand eight hundred and fifty-four.

Saving as to certain Provisions of 12 & 13 Vict. c. 93. and 16 & 17 Vict. c. 125.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

if there be any Person next entitled to the same in Remainder, in Fee Simple or Fee Tail, and if such Person be legally competent, he shall be a Party to and join in such Grant; provided also, that where any Portion of Waste or Commonable Land shall be gratuitously conveyed by any Lord of a Manor for any such Purpose as aforesaid, the Rights of all Commoners and others having Interest of a like Nature in the said Land shall be barred and divested by such Conveyance.

Chancellor and Council of the Duchy of Lancaster empowered to grant Lands for the Site of an Institution.

II. The Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being, by any Deed or Writing under the Hand and Seal of the Chancellor of the said Duchy for the Time being, attested by the Clerk of the Council of the said Duchy for the Time being, for and in the Name of Her Majesty, Her Heirs and Successors, may, if they see fit, grant, convey, or enfranchise, to or in favour of such Institution, any Land forming Part of the Possessions of the said Duchy, not exceeding in the whole One Acre in any One Parish, upon such Terms and Conditions as to the said Chancellor and Council shall seem meet; and where any Sum or Sums of Money shall be paid for the Purchase or Consideration for such Land so to be granted, conveyed, or enfranchised as aforesaid, the same shall be paid into the Hands of the Receiver General for the Time being of the said Duchy, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, Chapter Seventy-three, or any other Act or Acts now in force for that Purpose.

Officers of the Duchy of Cornwall empowered, upon sufficient Authority, to grant Land for the Site of an Institution.

III. Any Three or more of the Principal Officers of the Duchy of *Cornwall*, under the Authority of a Warrant issued for that Purpose under the Hands of any Three or more of the Special Commissioners for the Time being for managing the Affairs of the Duchy of *Cornwall*, or under the Hands of any Three or more of the Persons who may hereafter for the Time being have the immediate Management of the said Duchy, if the said Duchy shall be then vested in the Crown, or if the said Duchy shall be then vested in a Duke of *Cornwall*, then under the Hands of any Three or more of the Principal Officers of the said Duchy, or under the Hands of any Three or more of the Persons for the Time being having the immediate Management of the said Duchy, may, if they think fit, and are so authorized, by Deed grant, convey, or enfranchise to or in favour of any existing or intended Institution any Land forming Part of the Possessions of the said Duchy of *Cornwall*, not exceeding in the whole One Acre in any One Parish, upon such Terms and Conditions as to the said Special Commissioners or Principal Officers, or such other Person as aforesaid, shall seem meet.

IV. Pro-

IV. Provided, That upon any Land so granted by way of Gift as aforesaid, or any Part thereof, ceasing to be used for the Purposes of the Institution, the same shall thereupon immediately revert to and become again a Portion of the Estate or Manor or Possessions of the Duchy, as the Case may be, to all Intents and Purposes as fully as if this Act or any such Grant as aforesaid had not been passed or made, except that where the Institution shall be removed to another Site the Land not originally Part of the Possessions of either of the Duchies aforesaid may be exchanged or sold for the Benefit of the said Institution, and the Money received for Equality of Exchange or on the Sale may be applied towards the Erection or Establishment of the Institution upon the new Site.

If Lands cease to be used for the Purposes of the Act they shall revert.

V. Where any Person shall be equitably entitled to any Manor or Land, but the legal Estate therein shall be vested in some Trustee or Trustees, it shall be sufficient for such Person to convey the Land proposed to be granted for the Purpose of this Act, without the Trustee or Trustees being Party to the Conveyance thereof; and where it is deemed expedient to purchase for the Purpose aforesaid any Land belonging to or vested in any Infant or Lunatic, such Land may be conveyed by the Guardian or Curator of such Infant or the Committee of such Lunatic respectively, who may receive the Purchase Money for the same, and give valid and sufficient Discharges to the Party paying such Purchase Money, who shall not be required to see to the Application thereof.

Persons not having legal Estates empowered to convey Lands for the Purposes of this Act without the Concurrence of their Trustees.

VI. Any Corporation, Ecclesiastical or Lay, whether sole or aggregate, and any Officers, Justices of the Peace, Trustees, or Commissioners, holding Land for public, ecclesiastical, parochial, charitable, or other Purposes or Objects, may, subject to the Provisions herein-after mentioned, grant, convey, or enfranchise for the Purpose of this Act such Quantity of Land as aforesaid, in any Manner vested in such Corporation, Officers, Justices, Trustees, or Commissioners; provided, that no Ecclesiastical Corporation Sole, being below the Dignity of a Bishop, shall be authorized to make such Grant without the Consent in Writing of the Bishop of the Diocese to whose Jurisdiction the said Ecclesiastical Corporation shall be subject; provided also, that no Parochial Property shall be granted for such Purpose without the Consent of a Majority of the Ratepayers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting to be convened according to the Mode pointed out in the Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in* England *and* Wales, and without the Consent of the Poor Law Board, to be testified by their Seal being affixed to the Deed of Conveyance, and

Corporation, Justices, Trustees, &c. to convey Lands for the Purposes of this Act.

5 & 6 W. 4. c. 69

and of the Guardians of the Poor of the Union within which the said Parish may be comprised, or of the Guardians of the Poor of the said Parish where the Administration of the Relief of the Poor therein shall be subject to a Board of Guardians, testified by the Guardians of such Union or Parish being the Parties to convey the same; and that no Property held upon trust for charitable Purposes shall be granted without the Consent of the Charity Commissioners.

How such Parties may convey.

VII. Where any Officers, Trustees, or Commissioners, other than Parochial Trustees, shall make any such Grant, it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners, assembled at a Meeting duly convened, shall assent to such Grant, and shall execute the Deed of Conveyance, although they shall not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners; and the Justices of the Peace may give their Consent to the making any Grant of Land or Premises belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Gaols by an Act passed in the Seventh Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act to authorize the Disposal of unnecessary Prisons in* England.

7 G. 4. c. 18.

Where Part only of Lands subject to a Rent under Lease is conveyed, the Rent and Fine upon Renewal of Lease may be apportioned.

VIII. If Part only of any Land held in Fee subject to a perpetual Rent, or comprised in a Lease for a Term of Years unexpired, shall be conveyed or agreed to be conveyed for the Purpose of this Act, the Rent payable in respect of the Lands subject thereto, and any Fine certain or fixed Sum of Money to be paid upon any Renewals of the Lease, or either of such Payments, may be apportioned between the Part of the said Land so conveyed or agreed to be conveyed and the Residue thereof, and such Apportionment may be settled by Agreement between the Parties following; that is to say, the Person for the Time being entitled to the Rent where the Land is held in Fee or the Lessor or other the Owner subject to such Lease of the Lands comprised therein, the Person entitled to the Fee subject to the Rent, or the Lessee or other Party entitled to the Land by virtue of such Lease or any Assignment thereof for the Residue of the Term thereby created, and the Party to whom such Conveyance as aforesaid for the Purpose of this Act is made or agreed to be made; and when such Apportionment shall so be made it shall be binding on all Under-lessees and other Persons and Corporations whatsoever, whether Parties to the said Agreement or not.

Liabilities of Tenants, and Remedies of Landlords as to Lands not conveyed

IX. In case of any such Apportionment as aforesaid, and after the Lands so conveyed or agreed to be conveyed as aforesaid shall have been conveyed, the Person entitled to the Fee or other Estate in the Lands subject to the Rent, the Lessee, and all Parties entitled under him

him to the Lands not included in such Conveyance, shall, as to all future accruing Rent, and all future Fines certain or fixed Sums of Money to be paid upon Renewals, be liable only to so much of the Rent or of such Fines or Sums of Money as shall be apportioned in respect of such last-mentioned Lands; and the Party entitled to the Rent charged or reserved shall have all the same Rights and Remedies for the Recovery of such Portion of the Rent as last aforesaid as previously to such Apportionment he had for the Recovery of the whole Rent charged or reserved; and all the Covenants, Conditions, and Agreements, except as to the Amount of Rent to be paid, and of the Fines or Sums of Money to be paid upon Renewals, in case of any Apportionment of the same respectively, shall remain in force with regard to that Part of the Land which shall not be so conveyed as aforesaid, in the same Manner as they would have done in case such Part only of the Land had been subject to the Rent or included in the Lease.

Any Number of Sites may be granted for separate Institutions

X. Any Person or Corporation may grant any Number of Sites for distinct and separate Institutions, although the aggregate Quantity of Land thereby granted by such Person or Corporation shall exceed the Extent of One Acre, provided that the Site of each Institution do not exceed that Extent

Grants of Site may be made to Corporations or Trustees to be held for the Purposes of the Institution.

XI. Where the Institution shall not be incorporated, the Grant of any Land for the Purpose of such Institution, whether taking effect under the Authority of this Act or any other Authority, may be made to any Corporation Sole or Aggregate, or to several Corporations Sole, or to any Trustees whatsoever, to be held by such Corporation or Corporations or Trustees for the Purpose of such Institution.

Incorporation of 13 & 14 Vict c 28

XII. The Provisions of the Act of the Fourteenth *Victoria*, Chapter Twenty-eight, shall be applicable to the Conveyances of Lands in *England*, *Wales*, and *Ireland* made or to be made to Trustees, not being Corporations, for the Purposes of such Institutions.

Form of Grants, &c.

XIII. All Grants, Conveyances, and Assurances of any Site for an Institution under the Provisions of this Act may be made according to the Form following, or as near thereto as the Circumstances of the Case will admit; (that is to say,)

'I, *or* we, [*or the Corporate Title of a Corporation,*] under the
' Authority of an Act passed in the Year of the Reign of
' Her Majesty Queen Victoria, intituled do hereby freely
' and voluntarily, and without any valuable Consideration [*or* do in
' consideration of the Sum of to me, *or* us, *or* the said
' paid], grant and convey [*add, if necessary*, enfranchise]
' to

'to all [*Description of the Premises*] and all [my, *or* 'our, *or* the Right, Title, and Interest of the to and in 'the same and every Part thereof, to hold unto and to the Use of the 'said Corporation and their Successors, *or* of the said 'and his *or* their [Heirs *or* Executors *or* Administrators *or* Succes- 'sors], for the Purposes of the said Act, and to be applied as a Site 'for and for no other Purpose whatever; such 'to be under the Management and Control of [*set 'forth the Mode in which and the Persons by whom the Institution is to 'be managed and directed; in Cases where the Land is purchased, 'exchanged or demised, usual Covenants or Obligations for Title 'may be added*]. In witness whereof the conveying and other 'Parties have hereunto set their Hands and Seals, [*or* Seals *only, as 'the Case may be*,] this Day of . 'Signed, sealed, and delivered by the said in the Presence 'of of .'

And no Bargain and Sale or Livery of Seisin shall be requisite in any Conveyance intended to take effect under the Provisions of this Act, nor more than One Witness to the Execution by the conveying Party.

Death of Donor within Twelve Months not to invalidate Grant

XIV. Any Deed executed for the Purposes of any Institution to which this Act applies, without any valuable Consideration, shall continue valid, if otherwise lawful, although the Donor or Grantor shall die within Twelve Calendar Months from the Execution thereof.

Mode of conveying the Lord's Interest and that of the Copyholder in Copyhold Land.

XV. Where Land of Copyhold or Customary Tenure shall have been or shall be granted for the Purpose of such Institution, the Conveyance of the same by any Deed wherein the Copyholder shall grant and convey his Interest, and the Lord shall also grant and convey his Interest, shall be deemed to be valid and sufficient to vest the Freehold Interest in the Grantee or Grantees thereof without any Surrender or Admittance or Enrolment in the Lord's Court, but the Fees (if any) payable by the Custom of the Manor upon Enfranchisement shall be paid to the Steward.

Application of Purchase Money for Land sold by any Ecclesiastical or Corporation Sole.

XVI. Where any Land shall be sold by any Ecclesiastical Corporation Sole for the Purpose of this Act, and the Purchase Money to be paid shall not exceed the Sum of Twenty Pounds, the same may be retained by the Party conveying for his own Benefit, but when it shall exceed the Sum of Twenty Pounds it shall be applied for the Benefit of the said Corporation in such Manner as the Bishop in whose Diocese such Land shall be situated shall, by Writing under his Hand,

to

to be registered in the Registry of his Diocese, direct and appoint; but no Person purchasing such Land for the Purpose aforesaid shall be required to see to the due Application of any such Purchase Money.

Certain Clauses of the 8 & 9 Vict. c. 18. rendered applicable to this Act.

XVII. In Cases not otherwise provided for in this Act, the Clauses Sixty-nine, Seventy, Seventy-one, Seventy-two, Seventy-three, Seventy-four, and Seventy-eight of the Lands Clauses Consolidation Act, One thousand eight hundred and forty-five, being the Eighth and Ninth *Victoria*, Chapter Eighteen, shall apply in respect of the Application of the Purchase Money of all Sites purchased from incapacitated Persons, Corporations, and Trustees hereby empowered to sell, other than the Chancellor and Council of the Duchy of *Lancaster* and the Officers of the Duchy of *Cornwall*.

Trustees may sell or exchange Lands or Buildings; or may let.

XVIII. If it shall be deemed advisable to sell any Land or Building not previously Part of the Possessions of the Duchy of *Lancaster* or *Cornwall* held in trust for any Institution, or to exchange the same for any other Site, the Trustees in whom the legal Estate in the said Land or Building shall be vested may, by the Direction or with the Consent of the governing Body of the said Institution, if any such there be, sell the said Land or Building, or Part thereof, or exchange the same for other Land or Building suitable to the Purposes of their Trust, and receive on any Exchange any Sum of Money by way of effecting an Equality, and apply the Money arising from such Sale or given on such Exchange in the Purchase of another Site, or in the Improvement of other Premises used or to be used for the Purposes of such Trust; and such Trustees may, with like Direction or Consent, let Portions of the Premises belonging to the Institution not required for the Purposes thereof, for such Term, and under such Covenants or Agreements, as shall be deemed by such governing Body to be expedient, and apply the Rents thereof to the Benefit of the Institution.

Trustees to be indemnified from Charges; in default thereof empowered to mortgage or sell the Premises.

XIX. The Trustees of such Institution who, by reason of their being the legal Owner of the Building or Premises, shall become liable to the Payment of any Rate, Tax, Charge, Costs, or Expenses, shall be indemnified and kept harmless by the governing Body thereof from the same, and in default of such Indemnity shall be entitled to hold the said Building or Premises and other Property vested in them as a Security for their Reimbursement and Indemnification, and, if Necessity shall arise, may mortgage or sell the same, or Part thereof, free from the Trusts of the Institution, and apply the Amount obtained by such Mortgage or Sale to their Reimbursement, and the Balance (if any) to the Benefit of the Institution, subject to the Restrictions herein-

herein-before contained with regard to Lands given and Lands belonging to the Duchies aforesaid.

Property of Institution, how to be vested

XX. Where any Institution shall be incorporated, and have no Provision applicable to the Personal Property of such Institution, and in all Cases where the Institution shall not be incorporated, the Money, Securities for Money, Goods, Chattels, and Personal Effects belonging to the said Institution, and not vested in Trustees, shall be deemed to be vested for the Time being in the governing Body of such Institution, and in all Proceedings, civil and criminal, may be described as the Monies, Securities, Goods, Chattels, and Effects of the governing Body of such Institution by their proper Title.

How Suits by and against Institutions to be brought.

XXI. Any Institution incorporated which shall not be entitled to sue and be sued by any corporate Name, and every Institution not incorporated, may sue or be sued in the Name of the President, Chairman, principal Secretary, or Clerk, as shall be determined by the Rules and Regulations of the Institution, and, in default of such Determination, in the Name of such Person as shall be appointed by the governing Body for the Occasion; provided, that it shall be competent for any Person having a Claim or Demand against the Institution to sue the President or Chairman thereof, if, on Application to the governing Body, some other Officer or Person be not nominated to be the Defendant.

Suits not to abate or discontinue.

XXII. No Suit or Proceeding in any Civil Court shall abate or discontinue by reason of the Person by or against whom such Suit or Proceedings shall have been brought or continued dying or ceasing to fill the Character in the Name whereof he shall have sued or been sued, but the same Suit or Proceeding shall be continued in the Name of or against the Successor of such Person.

How Judgment to be enforced against.

XXIII. If a Judgment shall be recovered against the Person or Officer named on behalf of the Institution, such Judgment shall not be put in force against the Goods, Chattels, or Lands, or against the Body of such Person or Officer, but against the Property of the Institution, and a Writ of Revivor shall be issued setting forth the Judgment recovered, the Fact of the Party against whom it shall have been recovered having sued or having been sued, as the Case may be, on behalf of the Institution only, and requiring to have the Judgment enforced against the Property of the Institution.

Institution may make Byelaw to be enforced.

XXIV. In any Institution the governing Body, if not otherwise legally empowered to do so, may, at any Meeting specially convened according

according to its Regulations, make any Byelaw for the better Governance of the Institution, its Members or Officers, and for the Furtherance of its Purpose and Object, and may impose a reasonable pecuniary Penalty for the Breach thereof, which Penalty, when accrued, may be recovered in any local Court of the District wherein the Defendant shall inhabit or the Institution shall be situated, as the governing Body thereof shall deem expedient; Provided always, that no pecuniary Penalty imposed by any Byelaw for the Breach thereof shall be recoverable unless the Byelaw shall have been confirmed by the Votes of Three Fifths of the Members present at a Meeting specially convened for the Purpose.

Members liable to be sued as Strangers.

XXV. Any Member who may be in arrear of his Subscription according to the Rules of the Institution, or may be or shall possess himself of or detain any Property of the Institution in a Manner or for a Time contrary to such Rules, or shall injure or destroy the Property of the Institution, may be sued in the Manner herein-before provided; but if the Defendant shall be successful in any Action or other Proceeding at the Instance of the Institution, and shall be adjudged to recover his Costs, he may elect to proceed to recover the same from the Officer in whose Name the Suit shall be brought, or from the Institution, and in the latter Case shall have Process against the Property of the said Institution in the Manner above described.

Members guilty of Offences punishable as Strangers.

XXVI. Any Member of the Institution who shall steal, purloin, or embezzle the Money, Securities for Money, Goods, and Chattels of the Institution, or wilfully and maliciously, or wilfully and unlawfully, destroy or injure the Property of such Institution, or shall forge any Deed, Bond, Security for Money, Receipt, or other Instrument, whereby the Funds of the Institution may be exposed to Loss, shall be subject to the same Prosecution, and if convicted shall be liable to be punished in like Manner, as any Person not a Member would be subject and liable to in respect of the like Offence.

Institutions enabled to alter, extend, or abridge their Purposes.

XXVII. Whenever it shall appear to the governing Body of any Institution (not having a Royal Charter, nor established by nor acting under any Act of Parliament,) which has been established for any particular Purpose or Purposes, that it is advisable to alter, extend, or abridge such Purpose, or to amalgamate such Institution, either wholly or partially, with any other Institution or Institutions, such governing Body may submit the Proposition to their Members in a written or printed Report, and may convene a Special Meeting for the Consideration thereof according to the Regulations of the Institution; but no such Proposition shall be carried into effect unless such Report shall have been delivered or sent by Post

to every Member Ten Days previous to the Special Meeting convened by the governing Body for the Consideration thereof, nor unless such Proposition shall have been agreed to by the Votes of Three Fifths of the Members present at such Meeting, and confirmed by the Votes of Three Fifths of the Members present at a Second Special Meeting convened by the governing Body at an Interval of One Month after the former Meeting.

Power to Board of Trade to suspend such Alteration, if applied to by Two Fifths Dissentients.

XXVIII. If any Members of the Institution, being not less than Two Fifths in Number, consider that the Proposition so carried is calculated to prove injurious to the Institution, they may, within Three Months after the Confirmation thereof, make Application in Writing to the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, who, at their Discretion, shall entertain the Application, and if, after due Inquiry, they shall decide that the Proposition is then calculated to prove injurious to the Institution, the same shall not be then carried into effect; but such Decision shall not prevent the Members of such Institution from reconsidering the same Proposition on a future Occasion.

Provision for the Dissolution of Institutions and Adjustment of their Affairs.

XXIX. Any Number not less than Three Fifths of the Members of any Institution may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the Time then agreed upon, and all necessary Steps shall be taken for the Disposal and Settlement of the Property of the Institution, its Claims and Liabilities, according to the Rules of the said Institution applicable thereto, if any, and if not, then as the governing Body shall find expedient; provided, that in the event of any Dispute arising among the said governing Body or the Members of the Institution the Adjustment of its Affairs shall be referred to the Judge of the County Court of the District in which the principal Building of the Institution shall be situated, and he shall make such Order or Orders in the Matter as he shall deem requisite, or, if he find it necessary, shall direct that Proceedings shall be taken in the Court of Chancery for the Adjustment of the Affairs of the Institution.

Upon a Dissolution, no Member to receive Profit.

XXX. If upon the Dissolution of any Institution there shall remain, after the Satisfaction of all its Debts and Liabilities, any Property whatsoever, the same shall not be paid to or distributed among the Members of the said Institution or any of them, but shall be given to some other Institution, to be determined by the Members at the Time of the Dissolution, or in default thereof by the Judge of the County Court aforesaid; provided, however, that this Clause shall not apply to any Institution which shall have been founded or established by the Contributions of Shareholders in the Nature of a Joint Stock Company.

Proviso for Joint Stock Companies.

XXXI. For

XXXI. For the Purposes of this Act, a Member of an Institution shall be a Person who, having been admitted therein according to the Rules and Regulations thereof, shall have paid a Subscription, or shall have signed the Roll or List of Members thereof; but in all Proceedings under this Act no Person shall be entitled to vote or be counted as a Member whose current Subscription shall be in arrear at the Time. Who is a Member.

XXXII. The governing Body of the Institution shall be the Council, Directors, Committee, or other Body to whom by Act of Parliament, Charter, or the Rules and Regulations of the Institution, the Management of its Affairs is entrusted; and if no such Body shall have been constituted on the Establishment of the Institution, it shall be competent for the Members thereof, upon due Notice, to create for itself a governing Body to act for the Institution thenceforth. The governing Body defined.

XXXIII. The Act shall apply to every Institution for the Time being established for the Promotion of Science, Literature, the Fine Arts, for Adult Instruction, the Diffusion of useful Knowledge, the Foundation or Maintenance of Libraries or Reading Rooms for general Use among the Members or open to the Public, of Public Museums and Galleries of Paintings and other Works of Art, Collections of Natural History, Mechanical and Philosophical Inventions, Instruments, or Designs; provided, that the Royal Institution, and the *London* Institution for the Advancement of Literature and the Diffusion of useful Knowledge, shall be exempt from the Operation of this Act. To what Institutions the Act shall apply.

XXXIV. The Term "Parish" shall signify herein any Place separately maintaining its own Poor. Parish defined.

XXXV. In all Deeds, Documents, Proceedings, Suits, and Prosecutions this Act may be cited and described by the Name of "The Literary and Scientific Institutions Act, 1854." Short Title of the Act.

LONDON:
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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXIII.

An Act to amend the Law relating to the Administration of the Estates of deceased Persons.

[11th *August* 1854.]

WHEREAS it is expedient that the Law whereunder the Real and Personal Assets of deceased Persons are administered should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Heir or Devisee of Real Estate not to claim Payment of Mortgage out of Personal Assets.

I. When any Person shall, after the Thirty-first of *December* One thousand eight hundred and fifty-four, die seised of or entitled to any Estate or Interest in any Land or other Hereditaments which shall at the Time of his Death be charged with the Payment of any Sum or Sums of Money by way of Mortgage, and such Person shall not, by his Will or Deed or other Document, have signified any contrary or other Intention, the Heir or Devisee to whom such Land or Hereditaments shall descend or be devised shall not be entitled to have the Mortgage Debt discharged or satisfied out of the Personal Estate or any other Real Estate of such Person, but the Land or Hereditaments so charged shall, as between the different Persons claiming through or under the deceased Person, be

primarily

primarily liable to the Payment of all Mortgage Debts with which the same shall be charged, every Part thereof, according to its Value, bearing a proportionate Part of the Mortgage Debts charged on the whole thereof: Provided always, that nothing herein contained shall affect or diminish any Right of the Mortgagee on such Lands or Hereditaments to obtain full Payment or Satisfaction of his Mortgage Debt either out of the Personal Estate of the Person so dying as aforesaid or otherwise: Provided also, that nothing herein contained shall affect the Rights of any Person claiming under or by virtue of any Will, Deed, or Document already made or to be made before the First Day of *January* One thousand eight hundred and fifty-five.

Not to affect Rights claimed under any Will, &c. before 1st Jan 1855

Extent of Act.

II. This Act shall not extend to *Scotland*.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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C A P. CXIV.

An Act to extend the Rights enjoyed by the Graduates of the Universities of *Oxford* and *Cambridge* in respect to the Practice of Physic to the Graduates of the University of *London*.

[11th *August* 1854.]

WHEREAS a Body Politic and Corporate, by the Name of the University of *London*, has been constituted by the Royal Charter of Her present Majesty, with Power after Examination to confer the several Degrees of Bachelor of Medicine and Doctor of Medicine: And whereas it is expedient that such and the same Privileges relating to the Practice of Physic as are enjoyed by Graduates in Medicine of either of the Universities of *Oxford* and *Cambridge*, by virtue of their Degrees, or under any Authority or Licence now conferred upon them by either of the said last-mentioned Universities, should be enjoyed by the Graduates in Medicine of the University of *London*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Bachelor of Medicine and Doctor of Medicine of the said University of *London* shall by virtue of his Degree, and without the

Graduates in Medicine of the Uni-

versity of London to be entitled to practise Physic in the same Manner as Graduates of the Universities of Oxford and Cambridge.

the Necessity of undergoing any further Examination, or of obtaining any further Authority or Licence, be forthwith entitled to practise Physic, as fully, effectually, and extensively in all respects as any Bachelor of Medicine or Doctor of Medicine of either of the said Universities of *Oxford* and *Cambridge* is entitled to practise by virtue of his Degree or under any Power, Licence, or Authority now conferred by either of the said last-mentioned Universities: Provided always, that the Privileges hereby conferred shall not be construed so as to extend to the Practice of Surgery, Pharmacy, or Midwifery.

Graduates in Medicine of the University of London indemnified for having acted without having obtained Authority from Universities of Oxford or Cambridge.

II. And whereas it is apprehended that divers Graduates in Medicine of the said University of *London* are or may become exposed to divers Forfeitures, Pains, or Penalties by reason of their having practised Physic in all or some or one of its Branches, or of their having done Acts as or under the Description of Physicians, or Practitioners of Physic, in all or some or one of its Branches, without any other Qualification for so doing than their having studied for and obtained the Medical Degrees of the last-mentioned University, and in particular it is apprehended that under the Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-six, and the Lunatic Asylums Act, 1853, any Graduate of the University of *London* practising as a Physician, if not otherwise answering to the Definition of a Physician set forth in the Interpretation Clauses to such Acts, who may have signed any Certificates under those Acts or either of them, in which he shall have been described as a Physician, is liable to be indicted for a Misdemeanor: Be it enacted, That all such Graduates in Medicine of the said University of *London* who have so practised Physic, or have so done any such Act, or signed any such Certificate as aforesaid, shall be indemnified, freed, and discharged from all such Forfeitures, Pains, Penalties, and Disabilities as they would or might have been exempt from had they taken their several Degrees at or obtained Authority or Licence to practise from either of the said Universities of *Oxford* and *Cambridge*, and that all such Acts and Certificates heretofore done or signed by any Graduate in Medicine of the said University of *London* shall be deemed to all Intents and Purposes as valid and effectual as if this Act had passed previously to the doing or signing such Acts and Certificates respectively.

Short Title.

III. This Act may be cited as "The University of *London* Medical Graduates Act, 1854."

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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Prisoners Removal.

If Common Gaol be adapted for Reception of Debtors as a Class, they may be removed thereto.

I. From and after the passing of this Act, when the Common Gaol for any County in *England*, *Wales*, or *Ireland* shall be adapted for Debtors as a Class of Prisoners to be confined therein, it shall be lawful for the Sheriff of such County, or any other Person having Custody of Persons for Debt within any County, to remove to such Common Gaol all Prisoners in his Custody for Debt or Contempt of Court from any Prison in which they may be confined, and such Common Gaol shall be deemed the legal Place of Custody for such Debtors, and no such Removal shall be deemed or taken to be an Escape.

No such Removal to take place till after Certificate by Inspector of Prisons

II. Provided always, That no such Removal shall take place until One of Her Majesty's Inspectors of Prisons, acting for the County in which such Common Gaol is situate, on the Application of Her Majesty's Justices of the Peace for such County in Quarter Sessions assembled, shall have signed and transmitted to the Clerk of the Peace for the said County a Certificate in the Form or to the Effect in the Schedule to this Act annexed, nor until One of Her Majesty's Principal Secretaries of State or the Chief Secretary for *Ireland* shall, by Warrant under his Hand, direct and authorize such Removal.

After such Removal Debtors may be sent to such Gaol.

III. From and after such Removal as aforesaid, it shall be lawful for the Sheriff of the County to send to and confine in such Common Gaol all future Prisoners for Debt or for Contempt of Court, which Common Gaol shall be deemed the legal Place for their Confinement, any Local Act or Usage to the contrary notwithstanding.

Where Governor of Common Gaol appointed by other Authority than Sheriff it shall be lawful for him to give Security.

IV. And whereas in some Counties in *England* and *Wales* the Keeper or Governor of the Common Gaol is by Usage or under some legal Authority appointed by the Justices in Quarter Session assembled, and in *Ireland* by Boards of Superintendence and not by the Sheriff: Be it enacted, That in all Cases in which the Keeper of any Common Gaol (in which Debtors are or under this Act may be confined) shall be appointed by any Authority other than that of the Sheriff, it shall and may be lawful for the Keeper so appointed to give Security by Bond or otherwise to the Sheriff for the Time being for the safe keeping of all such Debtors as may be placed in his Custody, and such Bond or other Security may be made and given to such Sheriff for the Time being, and shall and may be prosecuted by such Sheriff in case of Default of such Keeper.

Sheriff not relieved from present Obligations.

V. Provided nevertheless, That, except as aforesaid, nothing herein contained shall tend to relieve the Sheriff of any County from the Duty of keeping the Common Gaol in the same Manner as is now by Law required from him.

VI. All

Prisoners Removal.

VI. All the Powers and Provisions of the several Acts of Parliament in force authorizing the Disposal of unnecessary Prisons shall and may be exercised and applied for the Sale and Disposition of any Prison rendered unnecessary by this Act having been carried into effect in any County, in the same Manner as if such last-mentioned Prison were a Gaol or Prison within the Words or Meaning of the said several Acts of Parliament or any of them.

Present Powers for disposing of unnecessary Prisons not disturbed.

VII. Whereas by the Act Fifty-five *George* the Third, Chapter Fifty, Section Two, the Justices of the Peace in Quarter Sessions are authorized to make Allowances to certain Gaolers by way of Compensation for Fees abolished by that Act: And whereas by the Act Seventh and Eighth *Victoria*, Chapter Ninety-six, Section Seventy, it is enacted, that every Keeper or other Officer of any Debtors Prison whose Emoluments should be diminished by that Act might make Claim for Compensation, and the Commissioners of Her Majesty's Treasury were thereby authorized to award a gross or yearly Sum in respect thereof: Be it enacted, That the Justices of the Peace assembled in Quarter Sessions may order and direct that the Allowance (or such Part thereof as they may think fit) hitherto made to the Keeper of any Gaol which may become unnecessary by virtue of the Provisions of this Act may be continued for and during the Life of such Keeper, and the Commissioners of Her Majesty's Treasury may continue the Allowance (or such Part thereof as they may think fit) hitherto made to the Keeper of any such Gaol for and during the Life of such Keeper.

Allowances to Keepers of Gaols to be continued where superseded by this Act.

SCHE-

SCHEDULE.

Form of Certificate.

I hereby certify, that I have inspected

The new Common Gaol
or
The Alterations and Additions made to the Common Gaol
} of the County of

and particularly that Portion of the Building which it is proposed to appropriate for the Custody of Debtors; and I further certify, that the same is in a fit and proper State for the Reception of such Prisoners as are or may be confined in Prison for Debt or Contempt of Court within the Jurisdiction of the Sheriff of the said County.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXVI.

An Act to continue and amend an Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in *England*.

[11th *August* 1854.]

WHEREAS the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter One hundred and four, was limited to Three Years from the End of the then Session of Parliament, and it is expedient to continue and amend the same Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Act, as amended by this Act, shall continue in force for Two Years from the End of the present Session of Parliament. 14 & 15 Vict. c. 104. continued.

II. The Powers and Provisions contained in the Second Section of the said Act shall extend to all Cases in which, on the Sale, Exchange, or Enfranchisement, under the Authority of the said Act or of this Act, of a Part only of any Lands or other Hereditaments comprised in any Lease or Copy of Court Roll, the Church Estates Commissioners may deem it expedient to apportion the Rent reserved by or payable On Sale or Exchange of Part of Lands, &c. comprised in any Lease, Rent may be apportioned.

payable under the Lease or Grant to the Ecclesiastical Corporation by whom such Lease or Grant may have been made.

Trustees of Will or Settlement may raise Money for Enfranchisement

III. In any Case in which the legal Estate and Interest under any Lease or Grant made by any such Ecclesiastical Corporation may be vested in any Person or Persons in trust for any other Person or Persons, according to the Limitations of any Will or Settlement, where such Will or Settlement contains a Direction or Power to such Trustees to raise Money for the Purpose of procuring a Renewal of such Lease or Grant, it shall be lawful for the same Trustees to raise Money for the Purpose of purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, in the same Manner, and subject to the same Conditions, *mutatis mutandis*, so far as the same may be applicable to the Case, as may be specified in such Will or Settlement with reference to the raising of Money for the Purpose of renewing such Lease or Grant.

Arbitrators may be named

IV. In every Case where a Treaty shall have been entered into, under the Provisions of this Act or of the said recited Act, for the Sale, Purchase, or Exchange of any Episcopal or Capitular Estate in *England*, or of any Interest in such Estate, it shall be lawful, by the Consent of both Parties to such Treaty, and with the Approbation of the Church Estates Commissioners, to refer to Arbitration the Finding of the annual Value of such Estate, and of the Value of the Fee Simple thereof, or either of such Values, subject to the Exceptions and Reservations, if any, to be excepted and reserved thereout, and that such Finding shall be adopted in computing the Terms of such Sale, Purchase, or Exchange, regard being had, in the final Settlement of such Terms in every such Case, to the just and reasonable Claims of the present Holders of Land under Lease or otherwise, arising from the long-continued Practice of Renewal, and that in every such Case One Arbitrator shall be appointed by the Church Estates Commissioners, and One by the Lessee or intending Purchaser, and the Two Arbitrators so appointed shall, before they proceed in the Matter referred to them, appoint an Umpire or Third Arbitrator, and the Proceedings upon such Arbitration shall be conducted in like Manner, and subject to the same Rules and Enactments, as upon a Reference made by Consent upon a Rule of Court or Judge's Order: Provided always, that it shall be lawful for the same Parties to appoint One and the same Person to act as sole Arbitrator; and in such Case the Valuations, Acts, and Award of such Arbitrator shall have the same Effect as Valuations, Acts, and Award of the Arbitrators and Umpire under the Provisions herein contained; and in every Case the Costs of such Arbitration and Award shall be in the Discretion of the said Arbitrators or Umpire, as the Case may be.

V. Notwith-

How Copyholder's Right of Renewal to be ascertained.

V. Notwithstanding anything to the contrary contained in or to be implied from the said recited Act, or in the "Copyhold Act, 1852," or in an Act of the Sixteenth and Seventeenth Years of Her present Majesty, intituled *An Act to explain and amend the Copyhold Acts*, whenever a Right of Renewal of any Lands held for a Life or Lives or for Years by Copy of Court Roll from or under any Ecclesiastical Corporation shall be disputed by such Ecclesiastical Corporation or by the Church Estates Commissioners, or whenever the Person or Persons claiming to be interested in any such Lands shall be desirous of having the Right of Renewal decided by a competent Tribunal, then and in either of the said Cases it shall be lawful for such Person or Persons to cause an Action to be brought in any of Her Majesty's Superior Courts of Law at *Westminster*, in which Action such Person or Persons shall be the Plaintiff or Plaintiffs, and the Church Estates Commissioners, together with the Ecclesiastical Corporation from or under whom such Copyhold or Customary Lands shall be held, shall be the Defendants, and in which Action the Plaintiff or Plaintiffs shall deliver a feigned Issue whereby such disputed Right may be tried, and shall proceed to a Trial at Law of such Issue at the Sittings after the Term or at the Assizes then next or next but one after such Action shall have been commenced, to be holden for the County within which the Lands, or the greater Part thereof, are situated, with Liberty, nevertheless, for the Court in which the same shall have been commenced, or any Judge of any One of Her Majesty's Courts of Law at *Westminster*, to extend the Time for going to Trial therein, or to direct the Trial to be in another County, if it shall seem fit to such Court or Judge so to do, and the Defendants in any such Action shall enter an Appearance thereto, and accept such Issue; but in case the Parties shall differ as to the Form of such Issue, or in case the Defendants shall fail to enter such Appearance or accept such Issue, then the same shall be settled under the Direction of the Court in which the Action shall be brought, or by any Judge of One of Her Majesty's Courts of Law at *Westminster*, and the Plaintiff or Plaintiffs may proceed thereon in like Manner as if the Defendants had appeared and accepted such Issue; and the Parties in such Action shall produce to each other, their respective Attornies or Counsel, at such Time as any Judge may order, before Trial, and also to the Court and Jury, upon the Trial of any such Issue, all Books, Deeds, Court Rolls, Papers, and Writings, Terriers, Maps, Plans, and Surveys, relating to the Matters in issue, in their respective Custody or Power; and it shall be lawful for the Judge by whom any such Action shall be tried, if he shall think fit, to direct the Jury to find a Verdict, subject to the Opinion of the Court upon a Special Case; and the Verdict which shall be given in any such Action, or the Judgment of the Court upon the Case subject

subject to which the same may be given, shall be final and binding upon all Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, which it shall be lawful for the said Court to do if it shall see fit: Provided always, that after such Verdict given, and not set aside by the Court, or after such Decision of the Court, the said Ecclesiastical Corporation and the Church Estates Commissioners shall be bound by such Verdict or Decision; and the Costs of every Action, and of obtaining a Decision thereon, shall be in the Discretion of the Court in or by which the same shall be decided, which may order the same to be taxed by the proper Officer of the Court, and the like Execution may be had for the same as if such Costs had been recovered upon a Judgment of Record of the said Court: Provided also, that in every Case in which the Costs or any Part of the Costs of or incident to any Action to be brought under the Provisions of this Act shall become payable by the Defendant in such Action, it shall be lawful for the Church Estates Commissioners, and they are hereby required, to pay such Costs out of any surplus Monies coming or which have come or may come to their Hands in respect of the Estates of such Corporation, under the Provisions of the said recited Act or this Act.

Provision relating to Apportionment of Proceeds of Sales.

VI. The Provisions contained in the Sixth Section of the said Act, relative to the Investment and Application of the Monies which are to be paid into the Bank of *England* as thereby directed, shall be subject to the following Provisions; that is to say, the Provisions contained in the Eighth Section of the said Act which direct the Church Estates Commissioners to require certain Payments to be made to them by or on behalf of Persons being Ecclesiastical Corporations Sole or Members of the Ecclesiastical Corporation Aggregate shall be extended so as to authorize and require the same Commissioners to apportion every Sum of Money paid or to be paid into the Bank of *England* under the Provisions of the said Act or of this Act so as to set apart for the permanent Endowment of such Corporation Sole or Aggregate a Share of such Sum of Money sufficient to secure to such Corporation a permanent net Income equal to that which, if the said Act or this Act had not been passed, would have been received by such Corporation from the Property by the Enfranchisement whereof such Money was produced; and the Church Estates Commissioners shall pay over the Remainder of such Sum of Money to the Common Fund of the Ecclesiastical Commissioners for *England*.

Like Provision in respect of Purchases

VII. The foregoing Provisions relative to the Apportionment of Monies between the Church Estates Commissioners and Ecclesiastical Corporations, and to the Application thereof, shall be construed to relate

relate to all Lands and other Hereditaments, and to every Estate or Interest therein, which may have been or which may be acquired by any Ecclesiastical Corporation by Purchase or Exchange under the Provisions of the said recited Act, so as to authorize the last-mentioned Commissioners to require the Payment to them by the Ecclesiastical Corporation primarily interested in such Lands or Hereditaments of a Sum of Money equivalent to the surplus Share thereof.

and Exchanges.

VIII. The Proviso contained in the First Section of the said recited Act, with reference to the Sale or Exchange of Tithes or Tithe Rentcharges, or Land or Hereditaments allotted or assigned in lieu of Tithes, shall be and the same is hereby repealed; and all the Monies so paid or to be paid over to the Ecclesiastical Commissioners for *England* under the foregoing Provision, which may have been produced by the Sale, Purchase, or Exchange of Tithes or Tithe Rentcharges, or Land or Hereditaments assigned or allotted in lieu of Tithes, which formed Part of the Endowment of any Ecclesiastical Corporation prior to the passing of the said Act, shall be subject to the Provisions relating to local Claims which are contained in the Sixty-seventh Section of the Act passed in the Third and Fourth Years of Her Majesty's Reign, Chapter One hundred and thirteen; and in every Case in which any Money shall as aforesaid be paid over to the Ecclesiastical Commissioners for *England* in respect of Surplus, the last-mentioned Commissioners shall, in the Annual Report to be next thereafter made by them to the Secretary of State, specify the Period at which, at the Time of the Settlement of the Terms of the Sale, Purchase, or Exchange in respect of which such Payment was made, it was estimated that any and every then subsisting Lease or Grant of the Tithes or Land thereby dealt with would have expired.

Provisions respecting local Claim on Tithes.

IX. In all Dealings between the Ecclesiastical Commissioners for *England* as to Lands now vested or which shall hereafter become vested in them and the Holders of such Lands, it shall be lawful for the Parties to refer to Arbitration the Finding of the annual Value and of the Value of the Fee Simple thereof, subject to the Exceptions and Reservations, if any, to be excepted and reserved thereout, and such Finding shall be adopted in computing the Terms of the Sale, Purchase, or Exchange of such Lands or of any Interest therein, regard being had in the final Settlement of such Terms in every such Case to the just and reasonable Claims of such Holders of Land under Lease or otherwise arising from the long-continued Practice of Renewal, and the said last-mentioned Parties shall for the Purpose of such Arbitration be subject to the Provisions herein-

Reference to Arbitration to determine Value of Lands vested or to be vested in Ecclesiastical Commissioners.

herein-before contained as to the Appointment of Arbitrators and the Payment of Costs.

Ecclesiastical Commissioners to state like Particulars as Church Estates Commissioners.

X. The Ecclesiastical Commissioners for *England* shall with reference to their Dealings with Lands vested in them state in their Reports the like Particulars which the Church Estates Commissioners are by the said recited Act required to state in their Reports with reference to Lands dealt with by them under the same Act.

Basis of Report of 1850 may be taken.

XI. In computing the due Regard to be paid to the just and reasonable Claims of the present Holders of Lands under Lease or otherwise arising from the long-continued Practice of Renewal, the Basis of Compensation may, at the Discretion and with the Approval of the Church Estates Commissioners, be that laid down by the Episcopal and Capitular Revenues Commissioners in their Report of One thousand eight hundred and fifty, or according to the Recommendations laid down in the Lords Report on the same Subject in One thousand eight hundred and fifty-one.

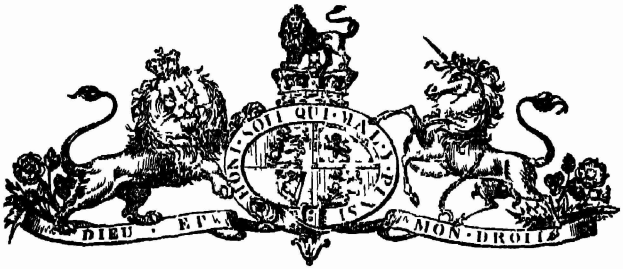
How Computations on the Duration of Lives are to be calculated.

XII. In all Computations in any way dependent on the Duration of Lives, the Expectation of Life shall not be calculated according to the Tables commonly known as the *Northampton* Tables, nor upon Tables less favourable to the Expectation of Life than the Life Tables which are appended to the Twelfth Annual Report of the Registrar General of Births, Deaths, and Marriages in *England*, nor than any Tables which may be from Time to Time issued by the same Authority.

Interpretation.

XIII. The Provisions contained in the Eleventh Section of the said Act with reference to the Interpretation of the Words and Expressions therein specified shall apply to the same Words and Expressions whenever they occur in this Act, and the said Act and this Act shall be read and construed together as One Act.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1854.



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXVII.

An Act to facilitate the Sale and Transfer of Incumbered Estates in the *West Indies*.

[11th *August* 1854.]

WHEREAS it is expedient that Facilities should be given for the Sale and Transfer of Incumbered Estates in the several *West Indian* Colonies mentioned in the Schedule hereto: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Preliminary

I. This Act may for all Purposes be cited as "The *West Indian* Incumbered Estates Act, 1854." Short Title of Act.

II. This Act shall not take effect until Her Majesty has, by Order in Council to be made as herein-after mentioned, directed the same to come into operation in One or more of the said scheduled Colonies. Act how to come into operation.

III. In

Preliminary

Interpretation of certain Terms in this Act

III. In the Construction and for the Purposes of this Act the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Land" shall extend to Sugar and other Plantations, Messuages, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure or Description, and shall include and denote that Estate or Interest in any Hereditaments which any Person applying for a Sale is possessed of, is entitled to, or has any Mortgage, Charge, or Incumbrance upon:

"Incumbrance" shall mean any Debt, Portion, Legacy, or other Sum of Money constituting a Charge or Lien on Land, or raisable out of Land:

"Incumbrancer" shall mean any Person entitled to such Incumbrance, or entitled to require the Payment or Discharge thereof:

"Possession" shall include the Receipt of the Rents and Profits:"

"Owner" shall mean any Person entitled in possession to Land, or the Receipt of the Rents and Profits thereof, or who would be so entitled if there were no Incumbrances on such Land, for a Term of not less than Thirty Years unexpired, or for an Estate or Interest for his own Life, or for an Estate or Interest determinable on the dropping of any other Life or Lives, or for any greater Estate or Interest:

"Person and Owner" shall extend to a Body Politic or Corporate as well as to an Individual:

"Commissioners" shall mean the Persons appointed Commissioners for the Sale of Incumbered Estates in the *West Indies*, as herein-after mentioned.

Constitution and Powers of Commissioners.

Constitution and Powers of Commissioners.

Three Commissioners to be appointed under Sign Manual.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being to appoint any Number of Persons, not exceeding Three, to be Commissioners under this Act during Her Majesty's Pleasure, and upon every Vacancy in the Office of any such Commissioner in like Manner to appoint some other Person to such Office; and the said Persons so to be from Time to Time appointed shall be Commissioners for the Execution of this Act, and shall be styled "The Commissioners for Sale of Incumbered Estates in the *West Indies*."

Style of Commissioners.

V. Of the above Commissioners One shall be styled "The Chief Commissioner," and the other or others shall be styled "The Assistant Commissioner or Commissioners."

Residence of Commissioners.

VI. The Chief Commissioner shall be a Barrister-at-Law of not less than Ten Years standing, and shall reside in *England*; the Assistant

Assistant Commissioners shall from Time to Time be employed in the Execution of this Act in such Manner as the Chief Commissioner may direct.

Constitution and Powers of Commissioners.

VII. For the Purpose of aiding in the Execution of this Act, the Governor or other Person administering the Government of any Colony may appoint to be Local Commissioners for such Colony during Pleasure any Number, not exceeding Three, of the following Persons; that is to say,

Any Vice-Chancellor, Chief Justice, Judge, Attorney General, Solicitor General, or other Legal or Public Officer holding any Office in the Colony in which such Appointment is made; or

Any other Person usually resident in such Colony.

Power to appoint Local Commissioners.

VIII. The Commissioners shall cause to be made for their Commission such Seal or Seals as they may require, and shall cause to be sealed with One of such Seals all Orders, Conveyances, and other Instruments proceeding from the Commissioners in pursuance of this Act; and all such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with such Seal of the Commissioners, shall be received in Evidence, without any further Proof.

Commissioners to have a Common Seal.

IX. The Commissioners of Her Majesty's Treasury may from Time to Time appoint and remove a Chief Secretary, and also such Assistant Secretaries, Clerks, Messengers, and Officers as they may deem necessary for the Purposes of this Act.

Power to appoint and remove Secretary, Clerks, &c.

X. The Offices of the Commissioners, and all Powers, Rights, and Privileges pertaining thereto, shall continue and be in force only for a Period of Six Years next ensuing the Date at which this Act takes effect, and from thenceforth until the next Session of Parliament.

Duration of Office and Powers of Commissioners.

XI. No Commissioner shall during his Continuance in Office be capable of being elected or of sitting as a Member of the House of Commons.

Commissioners incapable of sitting in Parliament.

XII. There shall be paid out of Monies to be provided by Parliament,

To the Chief Commissioner, Two Assistant Commissioners, Chief Secretary, and to all such Assistant Secretaries, Clerks, Messengers, and Officers as may be appointed by the Chief Commissioner in *England*, such Salaries as the Commissioners of Her Majesty's

Salaries of Commissioners, &c., and out of what Funds paid.

Constitution and Powers of Commissioners.

Majesty's Treasury may from Time to Time recommend, so that the same do not exceed in the following Cases the Sums hereinafter mentioned; that is to say,

In the Case of the Chief Commissioner, the Sum of Two thousand Pounds by the Year:

In the Case of each Assistant Commissioner, the Sum of One thousand five hundred Pounds by the Year:

The Salaries of the Local Commissioners, and of all such Assistant Secretaries, Clerks, Messengers, and Officers as may be appointed under this Act in any Colony, shall be paid out of Monies to be provided by the Colonies as herein-after mentioned.

Power of Commissioners to fix Scale of Fees.

XIII. The Commissioners may fix such Scale of Fees to be paid in respect of Proceedings under this Act, both in *England* and the Colonies, as they think fit, but all Fees to be paid in any Colony shall be subject to Disallowance or Alteration by the Legislature of such Colony.

Expenses of Act how provided for.

XIV. All Expenses incidental to carrying this Act into execution, and not being such Salaries as aforesaid, or defrayed by Fees, shall be paid for, if incurred in *England*, out of Monies to be provided for that Purpose by Parliament, and if incurred in any Colony, by Monies to be provided for that Purpose by the Legislature of such Colony in manner herein-after mentioned.

Oath of Commissioners.

XV. Every Commissioner and Local Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, take the following Oath; that is to say,

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Judgment, fulfil all the 'Powers and Duties of a Commissioner under an Act passed in the ' Year of the Reign of Queen Victoria, intituled [*here set 'forth the Title of this Act*].'

And such Oath shall, in the Case of the Chief Commissioner and Assistant Commissioners, be taken before One of the Judges of Her Majesty's Superior Courts in *England*, and in the Case of any Local Commissioner be taken before the Judge of the Supreme Court of the Colony for which he is appointed Commissioner.

Publication of Appointment of Commissioners.

XVI. The Appointment of every Commissioner and Local Commissioner shall be published as follows; that is to say,

The Appointment of the Chief Commissioner and Assistant Commissioners, in the *London Gazette*:

The

The Appointment of any Local Commissioner, in the Newspaper of the Colony in which Government Notices are usually published: And no Commissioner or Local Commissioner shall act until Publication as aforesaid has been made of his Appointment.

Constitution and Powers of Commissioners.

XVII. The Commissioners shall constitute One Court of Record, having, for the Purposes of this Act, and subject to the Provisions thereof, Jurisdiction throughout *England* and any Colony or Colonies within which this Act comes into operation; and all Proceedings, Inquiries, Suits, or Trials to be taken, made, or had under this Act, and all Investigations of any Matters or Things arising out of or incidental to any such Proceedings, Inquiries, Suits, or Trials, may, subject to the Provisions herein-after contained, be at any Stage or at any Time transferred from *England* to any Colony, or from any Colony to *England*.

Commissioners to be a Court of Record.

XVIII. All Acts, Matters, and Things which the Commissioners are by this Act empowered to do, and all the Powers and Authorities hereby given to them, may, under any Order of the Commissioners made for that Purpose, be done or exercised by the Person or Persons herein-after mentioned; that is to say,

In *England*, by the Chief Commissioner, either alone or with One Assistant Commissioner:

In any Colony, by any Assistant Commissioner, either alone or jointly with the Local Commissioners of such Colony, or any One of them, or by the Local Commissioners or Commissioner of such Colony, or any Two of them, if more than Two.

Powers of Commissioners, by whom to be exercised.

XIX. The Commissioners shall frame, and cause to be printed and circulated or otherwise promulgated, as they see Occasion, Forms of Application and Directions indicating the Particulars of the Information to be furnished to the Commissioners when any Application is made to them under this Act, with reference to Title, Incumbrances, and the Circumstances of Land, and such other Information as in the Judgment of the Commissioners may assist them in forming an Opinion on such Application, and also such other Forms and Directions as the Commissioners may deem requisite or expedient for facilitating Proceedings under this Act.

Commissioners to frame and promulgate Forms of Application, &c.

XX. The Commissioners shall, having regard to the Laws and Usages of each Colony in which the same are intended to take effect, frame Rules for the following Purposes; that is to say,

For regulating the Course of Procedure under this Act; the several Powers and Duties of the Assistant and Local Commissioners;

Commissioners to make General Rules for regulating Proceedings under this Act.

Constitution and Powers of Commissioners.

sioners; the Conduct of Proceedings in *England* and the Colonies; and the Transfer thereof from *England* to the Colonies, and from the Colonies to *England*

For securing the prompt and due Distribution and Payment of the Monies received upon Sales under this Act amongst or for the Benefit of the Persons entitled thereto:

For the Protection, in respect of such Monies, of the Interests of Persons under Disability, and of future Interests:

For the Protection of the Interests of absent Parties, and of the Interest of Parties in Cases where the Proceedings are transferred from *England* to the Colonies, or *vice versâ*:

Generally for the due Execution of the Powers vested in the Commissioners under this Act, and for giving effect to the Provisions and Objects thereof:

And all Rules so made shall, unless disallowed in manner hereinafter mentioned, have the same Force as if they had been enacted by Parliament.

Rules to be laid before Privy Council.

XXI. All Rules made under the above Authority shall be laid before Her Majesty in Council, and it shall be lawful for Her Majesty by Order in Council to disallow the same, and any Rule so disallowed shall from the Date of its Disallowance be void, but all Matters and Things previously done in pursuance thereof shall have the same Validity as if no such Disallowance had taken place.

Power to Commissioners to summon Witnesses, &c.

XXII. The Commissioners shall have Power—

1. To require by Summons under their Seal the Attendance before them, at a Time and Place to be mentioned in such Summons, of all such Persons as they may think fit to examine in relation to any Question or Matter depending before them:
2. To require by a like Summons all such Persons to produce before them all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter:
3. To examine upon Oath, or, in the Case of Persons allowed to make Affirmation or Declaration in lieu of an Oath, upon Affirmation or Declaration, (as the Case may require,) all Persons attending under such Summons, and all Persons attending voluntarily as Witnesses.

Power to Commissioners to proceed upon Affidavits, and to appoint Persons to take Affi-

XXIII. The Commissioners may, in their Discretion, receive in Evidence Affidavits; and such Affidavits may be made in any Part of Her Majesty's Dominions before any Person empowered by Law to take Affidavits, and in any other Part of the World before any Person authorized by Order under the Seal of the Commissioners to take Affidavits; and the Commissioners may by a like Order under their

their Seal authorize any Person in any Part of the World to examine, in such Manner as they think fit, any Witness or Witnesses in relation to any Application to or Matter pending before the Commissioners, and to administer Oaths, Affirmations, or Declarations for the Purpose of such Examination.

davits and Examinations.

XXIV. The Commissioners in relation to any Matter or Question before them shall have Power —

Power of Commissioners to direct Trials and Issues of Fact.

To send Cases for the Opinion of any Court of Law or Equity sitting in *England* or in any Colony within their Jurisdiction:

To send Questions of Fact to be tried, in *England* by a Jury, or in any such Colony as aforesaid either by a Jury or in any other Manner in which Questions of Fact are usually tried in such Colony.

XXV. In all Cases within their Jurisdiction the Commissioners shall, with respect to the following Matters, that is to say,

Power of Commissioners to enforce Orders.

The enforcing the Attendance of Persons summoned to give Evidence,

The enforcing the Production of Deeds, Books, Papers, Documents, and Writings,

The punishing Persons refusing to give Evidence, or guilty of a Contempt,

The enforcing any Order whatever made by them under any of the Powers or Authorities of this Act,

Have in *England* all such Powers, Rights, and Privileges as are possessed by the High Court of Chancery for such or the like Purposes in relation to any Matter depending in such Court, and have in any Colony within their Jurisdiction all such Powers, Rights, and Privileges as are possessed by the Supreme Court of Judicature in such Colony for such or the like Purposes in relation to any Matter or Thing depending in such Court; and it shall be lawful for the Commissioners in any such Colony as aforesaid, either to carry into effect such Powers, Rights, and Privileges by Officers appointed by themselves, or to request any such Court of Judicature as aforesaid, or any Officer thereof, to enforce any Orders made by them, and such Court or Officer shall thereupon enforce the same accordingly.

Sales by Commissioners, and Distribution of Purchase Monies.

Sales by Commissioners, and Distribution of Purchase Monies.

XXVI. Subject to the Restrictions herein-after mentioned, where any Land situate in a Colony within the Jurisdiction of the Commissioners is subject to any Incumbrance, the Commissioners shall have Power to sell the same, or such Part thereof as they think fit, upon Application made to them in manner herein-after mentioned by the Owner of such Land or any Incumbrancer thereon.

Power of Commissioners to sell Land in Colonies, upon Application of the Incumbrancer.

XXVII. Where

No Application to be entertained unless Costs of any previous Application paid.

XXVII. Where an Application for a Sale of any such Land as aforesaid has been made to any competent Tribunal in the Colony, and dismissed with Costs, no Application by the same Party for a Sale of the same Land or any Part thereof shall be entertained by the Commissioners unless it is shown that such Costs have been paid.

Application to be made by legal or beneficial Owners.

XXVIII. Where any such Land as aforesaid is vested in any Person or Persons in trust for any Owner, an Application for the Sale thereof may be made by such Owner, either with or without the Concurrence of such Trustee or Trustees, or by such Trustee or Trustees with the Concurrence of such Owner.

When Incumbrance subject to Limitations, the First Person entitled, &c. to make Application.

XXIX. Where any Incumbrance is vested in a Trustee or Trustees, or settled on divers Persons in succession, the Commissioners may act on an Application made by such Trustee or Trustees, or by the First Person entitled to the Income of such Incumbrance, or by any other Person having, in the Opinion of the Commissioners, an Amount of Interest in the Incumbrance sufficient to justify his making an Application for a Sale.

Form of Application, and to whom to be made.

XXX. Every Application for a Sale of Land under this Act shall be in such Form as the Commissioners direct, and may, subject to any Rules to be framed by the Commissioners, be made, at the Discretion of the Applicant, either to the Commissioners acting in *England* or in the Colony in which such Land is situate.

Duty of Commissioners on Application for Sale.

XXXI. The Commissioners shall, upon the Receipt of such Application as aforesaid, make such Inquiries as to the Circumstances of the Land in respect of which the same is made, and of the Parties interested therein, either as Incumbrancers, Owners, or otherwise, and direct such Notices to be given as they think necessary, to enable them to form a Judgment as to the Expediency of a Sale, and shall hear by themselves, their Counsel or Agents, any Persons interested in such Land who may apply to them to be heard, and shall, upon the Conclusion of such Inquiries, and after hearing such Parties, if any, as aforesaid, make such Order in the Premises as to the Allowance or Disallowance of a Sale of such Land as they think just.

Restrictions on Sale.

XXXII. No Sale shall be made by the Commissioners of any Land in the Cases following:

Where the Amount of yearly Interest on the Incumbrances attaching to the Land in respect of which any Application is made, and to any other Land subject to the same Incumbrances, does not exceed One Half of the net yearly Value of such Land and other Land, if any, such yearly Value to be calculated on the average Profits or Income derived therefrom after deducting all

all necessary Outgoings during the preceding Seven Years, or during such other Period as the Commissioners may, having regard to any special Circumstances, think fit:

Sales by Commissioners, and Distribution of Purchase Monies.

Where, for any Reason whatever, it appears to the Commissioners unjust or inexpedient that a Sale should be made.

XXXIII. In making any Sale of Land under this Act, the Commissioners shall have regard to the Interests of any yearly Tenants or other Persons, not being Incumbrancers, who may be entitled for the Time being, by themselves or their Agents, to receive or retain the Produce of such Land or of any Part thereof, and they may, in their Discretion, deal with such Interests in such One of the Two following Ways as they think just; that is to say, they may either make the Sale subject to such Interests, or may cause such Interests to be valued at a gross Amount, and treat the Amount so valued as an Incumbrance, assigning thereto such Priority as they think fit.

Regard to be had to yearly Tenancies and other temporary Interests.

XXXIV. In Cases where any Land to be sold is subject—

To Dower or any Interests in the Nature of Dower,

To any annual or contingent Incumbrance,

To any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money for a Term of Years yet to come,

Power to sell, subject to annual Sums, and also to Incumbrances, in certain Cases.

The Commissioners shall deal with such Interests in One of the Two following Ways; that is to say, they shall either make the Sale subject to such Dower, Interests, or Incumbrances, or they may, with the Consent of the Parties entitled to such Dower, Interest, or Incumbrances, cause the same to be valued at a gross Amount, assigning thereto such Priority as they think just.

XXXV. Every Sale of Land in pursuance of this Act shall be made, under the Control and Direction of the Commissioners, by Public Sale or Private Contract, together or in Parcels, at such Time and Place and generally in such Manner as the Commissioners think fit; and every Conveyance of Land so sold shall be made by the Commissioners under their Seal, and shall be signed by the Chief Commissioner, or such other Commissioner or Commissioners as the Chief Commissioner may direct, and the Execution by any other Party of such Conveyance shall be unnecessary; and such Conveyance shall express the Interests and Incumbrances (if any) subject to which the Sale is made, and may be in such Form as the Commissioners may by Order from Time to Time direct, or as near thereto as Circumstances permit.

Sale by Commissioners.

Sales by Commissioners, and Distribution of Purchase Moneys.

Saving of certain Rights

XXXVI. No Sale made by the Commissioners shall affect any of the following Rights or Payments;

Any Right of Common, Right of Way, or other Easement;

Any Tithes or like Ecclesiastical Dues;

Any Crown Rents or other like Sums payable at fixed Periods to Her Majesty or to the Government of the Colony;

Except in Cases where the Commissioners undertake to commute such Crown Rents or other like Sums as aforesaid, which they shall be at liberty to do, with the Sanction of the Legislature of such Colony, in Cases where they think it will be for the Benefit of the Parties interested in the Produce of such Sale, and if they do so they shall express in the Conveyance that the Land sold is discharged from such Crown Rents or other Sums, as the Case may be.

Payment of Purchase Money.

XXXVII. The Purchase Money on every Sale shall be paid, as the Commissioners may direct, either into the Bank of *England*, or into the Commissariat Chest of some Colony named by them, and be carried to an Account to be opened in the Name of the Commissioners to the Credit in each Case of the Land (describing the same by the Name of the Plantation or Estate to which it belongs, or by any other Name the Commissioners think fit); and upon Proof being made to the Satisfaction of the Commissioners, and in such Manner as they may direct, of any Monies so having been paid in, the Chief Commissioner, or such other Commissioner or Commissioners as the Chief Commissioner directs, shall endorse a Certificate on the Conveyance of such Payment; and any Purchaser who has paid any Money into the Bank or into such Commissariat Chest as aforesaid shall be discharged from all Liability in respect of the Application thereof, and such Endorsement shall be Evidence of such Payment; and in all Cases Her Majesty's Government shall guarantee the Safety of all Monies paid in pursuance of this Act into the Commissariat Chest of any Colony.

Effect of Conveyance.

XXXVIII. Every Conveyance made by the Commissioners in pursuance of this Act shall vest in the Purchaser the Land so sold, subject to such Rights and uncommuted Payments, if any, as are herein-before declared not to be affected by any Sale by the Commissioners, but discharged from all other Interests, Rights, Claims, and Incumbrances, except such as may in pursuance of the Power herein-before given be expressed in the Conveyance to be subsisting on such Land, and no Conveyance made by the Commissioners shall be set aside on the Ground of their not having had Jurisdiction over the Subject Matter thereof.

XXXIX. And

Sales by Commissioners, and Distribution of Purchase Moneys.

Commissioners may order Delivery of Counterparts of Deeds, &c., and Possession, to Purchaser.

XXXIX. The Commissioners shall have Power to order the Delivery to the Purchaser, or as he directs, of all Deeds and Documents of Title belonging or exclusively relating to the Land sold, which are in the Possession or Power of any of the Parties to their Order, and, on the Application of any Purchaser, to issue an Order for the Delivery to him of the Possession of the Land sold, or of such Part thereof as may not be in the Occupation of any Person subject to whose Interest the Sale was made.

Where an Incumbrancer purchases, Commissioners may authorize Payment into the Bank of Balance of Purchase Money, after retaining Amount of Incumbrance.

XL. Upon a Sale of Land under this Act an Incumbrancer or other interested Person (with the Exception of the Person upon whose Application the Sale was made), and with the Leave of the Commissioners such last-mentioned Person, may purchase such Land or any Part thereof; and if an Incumbrancer becomes a Purchaser he may, if the Commissioners think fit, retain out of the Purchase Money such Amount as would, in the Judgment of the Commissioners, be eventually payable thereout to him in respect of his Incumbrance, or any less Sum on account of such Amount, and pay the Residue only into the Bank or Commissariat Chest; and such Retainer shall be without Prejudice to the Power of the Commissioners to require such Purchaser to pay back into the Bank or Commissariat Chest the whole or any Part of the Amount so retained by him, in the event of their afterwards determining that he is not entitled to retain the same.

Application of Purchase Money.

XLI. The Commissioners shall apply the Money arising from any Sale made by them in satisfaction of the Payments herein-after mentioned according to the Order following; that is to say,

Firstly, in paying to Her Majesty or the Government of the Colony the Consideration for the Purchase of such Crown Rents or other like Sums, if any, as the Commissioners may have thought fit to commute in manner aforesaid:

Secondly, in paying all Costs, Charges, and Expenses of and incidental to the Sale, including the Application for the same, or such of them as they think fit to allow:

Thirdly, in satisfying the Incumbrances affecting such Land according to their Priorities:

And lastly, in paying the Surplus to the Parties who were previously to the Sale entitled to such Land as Owners if such Parties had an absolute Interest therein, but if had not an absolute Interest, then the Commissioners shall lay out the same in manner herein-after mentioned:

And for the Purposes of this Act the Commissioners shall have Power, having due Regard to the Laws and Customs of each Colony, to declare the Rights and Priorities of all Parties interested in such Land, whether as Owners, Incumbrancers, or otherwise howsoever.

XLII. In

Sales by Commissioners, and Distribution of Purchase Monies.

Application of Money where Owner not absolutely entitled.

XLII. In Cases where the Parties who were previously to the Sale entitled to such Land as Owners had not an absolute Interest, such Surplus as aforesaid of the Purchase Money shall be settled to the same Uses, upon the same Trusts, and in the same Manner to and in which the Land sold stood settled, or such of them as may be capable of taking effect; and until such Money is so laid out it may be paid to Trustees to be appointed or approved by the Commissioners, for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government or Colonial Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment in the Manner in which the Rents of the Land to be purchased would be applicable, as the Commissioners think fit.

Appointment of new Trustees.

XLIII. In Cases where the Commissioners appoint or direct the Appointment of Trustees for any of the Purposes of this Act, it shall be lawful for the Commissioners to make or to direct to be made such Provision as they think fit for the Appointment of new Trustees, on any Event to be determined by the Commissioners.

Provision where a Part only of Land subject to an Incumbrance is sold.

XLIV. In Cases where a Part only of Land subject to any Incumbrance is sold, the Commissioners may charge the Part not sold with such Incumbrance, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and enable Persons to release the Money arising from the Part so sold from any Incumbrance, or to relinquish their Claim on such Money in respect thereof, without impairing such Incumbrance as to the remaining Part of the Land originally charged.

Provision for setting aside Monies to meet Incumbrances.

XLV. In Cases where it appears to the Commissioners unjust or inexpedient that a Valuation should be made of such Interests and Incumbrances as they are herein-before authorized to cause to be valued at a gross Sum, it shall be lawful for them to set aside and invest any Portion of the Money arising from any Sale in such Manner as they think fit to meet the Claims of any such interested Persons or Incumbrancers, and generally the Commissioners shall have Power to make all such Orders and give such Directions with respect to the Application of the Money arising from any Sale as they think best adapted to secure the just and convenient Distribution thereof amongst all interested Parties, according to their several Rights and Titles.

No Payment, not being in full, to affect Right of Incumbrancer for Balance,

XLVI. No Payment under this Act towards the Discharge of any Incumbrance, not being a Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer in respect of the Balance, otherwise than as against the Land sold; and no Payment under this Act

Act in respect of any Incumbrance shall impair any Right or Equity of any Persons out of whose Land such Payment is made to be reimbursed or indemnified by any other Person or out of any other Land, except so far as the Commissioners order under any special Circumstances.

and no Payment in respect of any Incumbrance to impair Remedy over.

XLVII. The Commissioners may order any Purchase Money standing to their Account to be invested in their Name in such Government or Colonial Stocks, Funds, and Securities as they think fit, with Power to vary the same into or for others of a like Nature; and until such Stocks, Funds, and Securities are sold by Order of the Commissioners for the Purposes of this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Commissioners, in like Manner as the Rents of the Land from the Sale of which the Money invested in such Stocks, Funds, or Securities has arisen would have been applicable.

Purchase Money may be invested.

XLVIII. In Cases where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Commissioners think it expedient for the Protection of the Rights and Interests therein, the Commissioners may order such Money, or any Stocks, Funds, or Securities in which the same may be invested, to be transferred to the Account of the Accountant General of the High Court of Chancery in *England*, in the Matter of the Parties interested in the same, to be described in such Manner as the Commissioners direct, in trust to attend the Orders of such Court, or to be transferred to the Account of such Officer in any Colony, and be subject to the Jurisdiction of such Court as the Commissioners direct; and the Commissioners may by their Order declare the Trusts affecting such Money, Stocks, Funds, or Securities, so far as they have ascertained the same, or state (for the Information of any such Court as aforesaid) the Facts or Matters found by them in relation to the Rights and Interests therein; and the said Court of Chancery and any such Colonial Court as aforesaid may make such Orders with respect to any such Monies, Stocks, Funds, or Securities as aforesaid, or the Application thereof, as the Circumstances of the Case require.

Power to Commissioners to order Money to be paid into Court of Chancery.

XLIX. The Commissioners shall have the following additional Powers in respect of Sales of Land; that is to say,

Where separate Applications are made for Sales under this Act of different undivided Shares of any Land,

A Power, with the Consent of the Applicants, and such other Consents as the Commissioners think fit to require, to include in One Sale all such undivided Shares;

Lands included in different Applications and different Interests in the same Land may be included in the same Sale.

Sales by Commissioners, and Distribution of Purchase Moneys.

Where separate Applications are made for Sales under this Act of different Lands, but such Lands are intermixed, or otherwise adapted to be sold together,

A Power, with such Consent or Consents as aforesaid, to include in One Sale such different Lands;

Where an Application is made to the Commissioners for the Sale of any undivided Share in Lands, and the Owner of any other undivided Share or Shares, whether incumbered or not, in the same Land, is desirous of having the same sold at the same Time,

A Power, with such Consent or Consents as aforesaid, to include in One Sale all such Shares as aforesaid:

And all the Provisions of this Act applicable to any Land subject to any Incumbrance, and ordered to be sold under this Act, and to the Purchase Money arising from the Sale thereof, and to the Conveyance thereof, shall, so far as Circumstances admit, be applicable to any Land or Share in Land to be so included in the Sale; and in every such Case as aforesaid the Commissioners shall apportion the Purchase Money and Expenses as they see fit.

Provision for Persons under Disability.

L. A married Woman for the Time being entitled to receive the Income of Land for her separate Use, or having a Power of disposing of Land, either during her Lifetime or by Will, shall, for the Purposes of this Act, be deemed a Feme Sole; but in other Cases, where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, Lunatic, or married Woman, the Guardian, Curator, Tutor, Committee of the Estate, or Husband respectively of such Person, or if there is none any Person appointed by the Commissioners, may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Persons for the Purposes of this Act.

Proceedings not to abate by Death, &c.

LI. Proceedings under this Act shall not abate or be suspended by any Death, or Transmission or Change of Interest, but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, where they see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to them appears just.

LII. In every Proceeding under this Act the Commissioners shall have full Discretion as to the giving or withholding Costs and Expenses,

Expenses, and as to the Persons by whom and the Funds out of which the same are in the first instance or ultimately to be paid and borne; but, unless the Commissioners otherwise direct, the Costs of the Petitioner in respect of any Petition for Sale presented under this Act, and of the Proceedings thereunder, shall not be payable out of the Proceeds of the Sale, otherwise than in the same Order of Priority in which the Incumbrance of the Petitioner is payable.

Sales by Commissioners, and Distribution of Purchase Monies

LIII. In Cases where a competent Court has in the course of any Proceedings made an Order directing any Land to be sold, the Commissioners may sell the same, without further Inquiry; but in that Event, and also in any Case where any competent Court has made an Order in any Proceedings with respect to any Land, or the Rights of any Person interested therein, the Commissioners shall, on selling such Land, and in distributing the Monies arising from such Sale, have regard to the Orders made by such Court, and to any Inquiries or Proof made and taken in the course of such Proceedings, with Power, nevertheless, for the Commissioners, whenever it appears to them that there is any Error in such Order, or any Defect in any such Inquiries or Proofs, to direct such Person as they think fit to apply to the Court in relation thereto, and such Court may make such Order concerning the Matter of such Application as it thinks fit; and the Commissioners may, out of any Monies arising from any Sale under this Act, where there have been any such Proceedings as aforesaid, provide for the Costs of such Application, and may, if they think fit, order all or any Part of the Purchase Money, after Payment thereout of such Costs and Expenses as may be payable under the Orders of the Commissioners, to be paid into the Court in which any such Proceedings have been instituted.

Sales under this Act may be made notwithstanding Proceedings in any other Court.

LIV. Where the Commissioners order the Sale of any Land in respect of which any Decree for Sale has been already made by a competent Court, or any Proceedings are pending, they shall, by Certificate under their Seal, notify to such Court the Order so made by them, and all Proceedings for or in relation to a Sale under the Decree of such Court shall be suspended; and upon the Completion of the Sale under such Order of the Commissioners any Receiver appointed by such Court shall cease to act as such Receiver with respect to the Land or Part thereof sold; and pending any Proceedings for a Sale under this Act it shall not be lawful for any Owner, Incumbrancer, or other Person interested in such Land to commence any Proceedings at Law or in Equity for Redemption, Foreclosure, or Sale.

After Order by Commissioners for Sale, Proceedings for a Sale under Decree to be stayed, and no Suit, &c. to be commenced without Leave of Commissioners, pending Proceedings under this Act

Powers

Powers of Commissioners as to Partition, Exchange, Division, and Allotment.

Powers of Commissioners as to Partition, Exchange, Division, and Allotment.

On Application for Sale of an undivided Share, or after Sale, Commissioners may, on Application of Party interested, and giving Notices and hearing Parties, make Order for Partition.

LV. Where an Application is made for a Sale under this Act of an undivided Share of any Land, or where any such undivided Share has been sold under this Act, and either before or after the Conveyance thereof, the Commissioners, on the Application of any Party interested in such undivided Share, or of the Purchaser, (as the Case may be,) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land as they think fit, and hearing all such Parties interested in the respective Shares as may apply to them, and making such Inquiries as may enable them to make a just Partition, may, if they think fit, make an Order for the Partition of such Land; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land; and the Part so allotted in Severalty in respect of each such undivided Share shall, without any Conveyance or other Assurance, enure to the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have enured or been subject to in case such Order had not been made.

On Application for Sale or after Sale, Commissioners, on Application of Party interested, and with Consent, may make Order for Exchange.

LVI. Where an Application is made for a Sale under this Act of any Land, or where the same has been sold under this Act, if, either before or after the Conveyance thereof, Application is made to the Commissioners by any Party interested in such Land, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land, the Commissioners may make such Inquiries as they think fit for the Purpose of ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands, as they may think fit; and if, after making such Inquiries, and hearing all such Parties interested in the respective Lands as may apply to them, the Commissioners are of opinion that such Exchange would be beneficial, and that the Terms therefore are just and reasonable, they may make an Order for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance, enure to the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have enured or been subject to in case such Order had not been made.

LVII. It

Powers of Commissioners as to Partition, Exchange, Division, and Allotment.

Partition may be made of Land where Shares are not subject to be sold under this Act.

LVII. It shall be lawful for the Commissioners, in any Colony within which this Act may take effect, upon the Application of the Owners of any undivided Shares, (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act are pending,) to make such Inquiries as the Commissioners think fit for ascertaining whether a Partition would be beneficial to the Persons interested in such respective Shares; and in case the Commissioners are of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each such undivided Share; and the Part so allotted in Severalty in respect of each such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance, enure to the same Uses, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have enured or been subject to in case such Order had not been made.

Exchanges may be made of Lands not subject to be sold under this Act

LVIII. It shall be lawful for the Commissioners, in any Colony within which this Act may take effect, upon the Application of the Owners of Lands in any of the said Colonies not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act are pending, to make or cause to be made such Inquiries as the Commissioners may think fit for ascertaining whether an Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Commissioners are of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance, enure to the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have enured or been subject to in case such Order had not been made.

Division of intermixed Lands not subject to be sold under this Act.

LIX. It shall be lawful for the Commissioners, in any Colony within which this Act may take effect, upon the Application of any Number of Persons who are separately Owners of Parcels of Land not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act are pending, and which are so intermixed, or divided into Parcels of inconvenient Form or Quantity, that the same cannot be cultivated or occupied to the best Advan-

 tage,

tage, to make such Inquiries as the Commissioners think fit for ascertaining whether a Division would be beneficial to the Persons interested in such Lands; and in case the Commissioners are of opinion that a Division would be beneficial, they shall make an Order for the Division thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified as well the Parcels in which the several Persons on whose Application such Order has been made were respectively interested before such Division as the several Parcels allotted to them respectively by such Order; and the Parcels of Land taken under such Division shall enure to the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same have relinquished on such Division would have enured or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges, and Divisions to be given.

LX. In the Case of Land in respect of which no Proceedings for a Sale under this Act may be pending, no such Order of Partition, Exchange, or Division as aforesaid shall be made by the Commissioners until such Notices by Advertisement in such public Newspaper or Newspapers as the Commissioners direct have been given of such proposed Partition, Exchange, or Division, and Three Months have elapsed from the Publication of the last of such Advertisements; and if before the Expiration of such Three Months any Person entitled to any Estate in or any Incumbrance upon any Land included in such proposed Partition, Exchange, or Division gives Notice in Writing to the Commissioners of his Dissent from such proposed Partition, Exchange, or Division, the Commissioners shall not make an Order for the same unless such Dissent is withdrawn, or it is shown to the Commissioners that the Estate or Incumbrance of the Party so dissenting has ceased, or that such Estate or Incumbrance is not an Estate or Incumbrance in respect of which he is legally entitled to prevent such Partition, Exchange, or Division; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same has been made.

Conveyances and Proceedings of Commissioners.

Conveyance, Assignment, and Orders for Partition, Exchange, or Division and Allotment, conclusive.

LXI. Every Conveyance executed as required by this Act, and every Order for Partition, Exchange, or Division made by the Commissioners under their Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance, or the making of such Order respectively, has been made, given, and done by the Persons authorized

rized to make, give, and do the same; and no such Conveyance or Order shall be impeached by reason of any Informality therein.

Proceedings before Commissioners not to be restrained by Injunction, &c.

LXII. The Commissioners shall not be subject to be restrained in the Execution of their Powers under this Act, nor shall any Person be restrained from making Application under this Act to the Commissioners, or doing any other Act or giving any Consent under the Provisions of this Act, by Order of any Court of Justice, or by any other legal Process, nor shall the Commissioners be required by Writ of Mandamus, or any Writ of a like Nature, to do any Act or take any Proceeding under this Act, nor shall Proceedings before them be removable by Certiorari or other Writ of a like Nature.

Commissioners not to be liable in respect of Acts done bonâ fide.

LXIII. The Commissioners shall not, nor shall any Person acting under their Authority, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter *bonâ fide* done or omitted in the Exercise or supposed Exercise of the Powers of this Act.

Penalty for false swearing.

LXIV. Every Person who, upon Examination before the Commissioners or any of them, or any Person appointed and authorized under this Act by the Commissioners to administer any Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit authorized under this Act to be received in Evidence by the Commissioners, shall be liable to the Pains and Penalties of Perjury.

Appeal.

Orders may be reviewed by Commissioners; and Appeal to Privy Council.

LXV. The Commissioners may review, rescind, or vary any Order previously made by them; and it shall be lawful for any Person aggrieved by any Order of the Commissioners, with their Sanction, but not otherwise, to appeal to Her Majesty in Council, in such Manner, within such Time, and subject to such Rules, Regulations, and Limitations as Her Majesty may by Order in Council prescribe; and the Commissioners may, in their Discretion, give or refuse such Sanction, and annex thereto such Conditions, as to giving Security or otherwise, as they shall think fit; but in all Cases where the Commissioners refuse their Sanction to any Appeal their Decision shall be final.

Power to alter Provisions of Act.

Power of Commissioners to make Alteration.

LXVI. Wherever it appears to the Commissioners that by reason of the Prevalence in any Colony of Laws or Customs differing from those of *England*, or that by reason of any other Matter or Thing whatsoever

Power to alter Provisions of Act.

whatsoever it is expedient, with the view of carrying into execution the Purposes of this Act,

That there should be substituted for the Provisions of this Act or any of them other like Provisions accommodated to the Laws or Customs of such Colony; or

That further Provisions should be made for carrying into execution in such Colony the Orders of the Commissioners; for reconciling any Conflict between the Laws of *England* and such Colony; for declaring the Law with respect to any Matter or Thing; or otherwise for more effectually bringing this Act into operation within any Colony, or carrying into effect the Purposes thereof;

It shall be lawful for the Commissioners, having due Regard to the Interests of Owners, Incumbrancers, and others, and to the Laws and Customs of the Colony, by Order under their Seal to make any such Substitutions or Provisions as aforesaid, subject to the Restrictions following; namely, that such Substitutions or Provisions shall not be repugnant to the Spirit of this Act or to the general Law of *England*, and shall not affect the Constitution of the Commissioners as established by this Act; but no such Order shall be of any Force till the same has been confirmed by Order of Her Majesty in Council in manner herein-after mentioned.

Orders to be submitted to Legislature of Colony, and confirmed by Queen in Council.

LXVII. Before any such Order shall be capable of Confirmation, it shall for the Space of Thirty Days be submitted to the Legislature of the Colony within which the same is intended to operate; and if such Legislature, within such Period as aforesaid, express by Resolution their Disapproval thereof, such Order shall thereupon be void to all Intents; but if the Legislature, within the said Period, express by Resolution their Approval thereof, or come to no Resolution in respect thereof, the same shall thereupon be presented to Her Majesty for Confirmation, and, if so confirmed, shall, as soon as conveniently may be, be proclaimed in the Colony, and upon such Proclamation being made shall have the same Force within such Colony as if the same had been enacted by Authority of Parliament.

Order may be altered.

LXVIII. Any Order so confirmed as aforesaid may from Time to Time be rescinded, amended, or altered, as Occasion may require, by other Orders, to be made by the Commissioners, and to be submitted to the Legislature of the Colony, and confirmed in like Manner.

Act how to come into operation.

LXIX. Her Majesty may from Time to Time, by Order in Council, direct this Act to come into operation in any of the said scheduled Colonies, and thereupon, but not otherwise, the same shall have the Force of Law in such Colony or Colonies named in any such

such Order; but no such Order in Council shall be made in respect of any Colony until the Legislature of such Colony has presented an Address to Her Majesty, praying Her Majesty to issue such Order, and has also, to the Satisfaction of Her Majesty's Principal Secretary of State for the Colonies, made Provision for the Payment of the Salaries of the Local Commissioners, and of all such Assistant Secretaries, Clerks, Messengers, and Officers as may be appointed under this Act in such Colony, and of such other Expenses of carrying this Act into execution as are herein-before directed to be provided for by the Legislature of the Colony.

SCHEDULE.

Jamaica.	St. Christopher's.
Barbados.	Montserrat.
St. Vincent.	Nevis.
Grenada.	The Virgin Islands.
Tobago.	British Guiana.
St. Lucia.	Trinidad.
Antigua.	The Bahamas.
Dominica.	The Turks Islands.

LONDON:
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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXVIII.

An Act to empower the Legislature of *Canada* to alter the Constitution of the Legislative Council for that Province, and for other Purposes.

[11th *August* 1854]

WHEREAS an Act of the Session of Parliament holden in the Third and Fourth Years of Her Majesty, Chapter Thirty-five, "to reunite the Provinces of *Upper* and *Lower* "*Canada*, and for the Government of *Canada*," provides amongst other things for the Establishment of a Legislative Council in the Province of *Canada*, consisting of Members summoned thereto by the Governor, under the Authority of Her Majesty as therein specified: And whereas it is expedient that the Legislature of the said Province should be empowered to alter the Constitution of the said Legislative Council: And whereas the said Act requires Amendment in other respect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Legislature of Canada to alter the Constitution

I. It shall be lawful for the Legislature of *Canada* by any Act or Acts to be hereafter for that Purpose passed, to alter the Manner of composing the Legislative Council of the said Province, and to make it consist of such Number of Members appointed or to be appointed

or

of the Legislative Council.

or elected by such Persons and in such Manner as to the said Legislature may seem fit, and to fix the Qualifications of the Persons capable of being so appointed or elected, and by such Act or Acts to make Provision, if they shall think fit, for the separate Dissolution by the Governor of the said Legislative Council and Legislative Assembly respectively, and for the Purposes aforesaid to vary and repeal in such Manner as to them may seem fit all or any of the Sections and Provisions of the said recited Act, and of any other Act of Parliament now in force which relate to the Constitution of the Legislative Council of *Canada*: Provided always, that any Bill or Bills which shall be passed by the present Legislative Council and Assembly of *Canada* for all or any of the Purposes aforesaid shall be reserved by the said Governor, unless he think fit to withhold Her Majesty's Assent thereto, for the Signification of Her Majesty's Pleasure, and shall be subject to the Enactments of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Thirty-five, Section Thirty-nine, which relate to Bills so reserved for the Signification of Her Majesty's Pleasure.

Provisions of former Acts of Parliament to apply to the new Legislative Council.

II. As soon as the Constitution of the Legislative Council of the Province of *Canada* shall have been altered under such Act or Acts so assented to by Her Majesty as aforesaid, all Provisions of the said recited Act of Parliament of the Third and Fourth Years of Her Majesty, Chapter Thirty-five, and of any other Act of Parliament now in force relating to the Legislative Council of *Canada*, shall be held to apply to the Legislative Council so altered, except so far as such Provisions may have been varied or repealed by such Act or Acts of the Legislature of *Canada* so assented to as aforesaid.

Power to the Legislature of Canada to vary the Provisions of the Act or Acts constituting the new Legislative Council;

III. It shall be lawful for the Legislature of *Canada* from Time to Time to vary and repeal all or any of the Provisions of the Act or Acts altering the Constitution of the said Legislative Council: Provided always, that any Bill for any such Purpose which shall vary the Qualification of Councillors, or the Duration of Office of such Councillors, or the Power of the Governor to dissolve the Council or Assembly, shall be reserved by the Governor for the Signification of Her Majesty's Pleasure in manner aforesaid.

and to vary, &c. the Property Qualification of Members of Assembly.

IV. It shall be lawful for the Legislature of *Canada* by any Act or Acts reserved for the Signification of Her Majesty's Pleasure, and whereto Her Majesty shall have assented as herein-before provided, to vary or repeal any of the Provisions of the recited Act of Parliament of the Third and Fourth Years of Her Majesty which relate to the Property Qualification of Members of the Legislative Assembly.

V. So

V. So much of the Twenty-sixth Section of the said recited Act of Parliament as provides that it shall not be lawful to present to the Governor of the Province of *Canada* for Her Majesty's Assent any Bill of the Legislative Council and Assembly of the said Province by which the Number of Representatives in the Legislative Assembly may be altered unless the Second and Third Reading of such Bill in the Legislative Council and the Legislative Assembly shall have been passed with the Concurrence of Two Thirds of the Members for the Time being of the said Legislative Council, and of Two Thirds of the Members for the Time being of the said Legislative Assembly respectively, and that the Assent of Her Majesty shall not be given to any such Bill unless Addresses shall have been presented by the Legislative Council and the Legislative Assembly respectively to the Governor stating that such Bill has been so passed, is hereby repealed.

Proviso in Section 26. of 3 & 4 Vict. c. 35. repealed

VI. The Forty-second Section of the said recited Act of Parliament, providing that in certain Cases Bills of the Legislative Council and Assembly of *Canada* shall be laid before both Houses of Parliament of the United Kingdom, is hereby repealed; and, notwithstanding anything in the said Act of Parliament or in any other Act of Parliament contained, it shall be lawful for the Governor to declare that he assents in Her Majesty's Name to any Bill of the Legislature of *Canada*, or for Her Majesty to assent to any such Bill if reserved for the Signification of Her Pleasure thereon, although such Bill shall not have been laid before the said Houses of Parliament; and no Act heretofore passed or to be passed by the Legislature of *Canada* shall be held invalid or ineffectual by reason of the same not having been laid before the said Houses, or by reason of the Legislative Council and Assembly not having presented to the Governor such Address as by the said Act of Parliament is required.

Section 42. of 3 & 4 Vict. c. 35. repealed

VII. That in this Act the Word "Governor" is to be understood as comprehending the Governor, and in his Absence the Lieutenant Governor, or Person authorized to execute the Office or the Functions of the Governor of *Canada*.

Interpretation of Terms.

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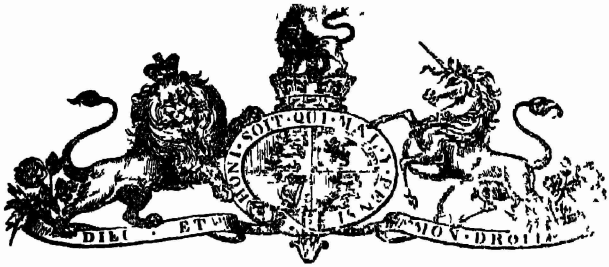

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

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der of Lord Chancellor.

shall, by Order, declare that, having regard to the State of the Business of the Court, he is of opinion that the said Vacancies, or such One or more of them as shall be mentioned in the Order, ought to be then filled up; and thereupon the said Vacancies, or such One or more of them as aforesaid, may be filled up, as if this Act had not been passed.

Lord Chancellor may declare future Vacancies not to be filled up, except upon Special Order

II. Upon any future Vacancy in the Office of Commissioner, by reason whereof there shall be One Commissioner only acting in the *Birmingham*, *Bristol*, *Leeds*, *Liverpool*, or *Manchester* District, and upon any future Vacancy in the Office of Registrar for any of the same Districts, the Lord Chancellor may, if, having regard to the then State of the Business of the Court, he shall so think fit, by Order declare that such One or more of the Vacancies aforesaid as shall be mentioned in the Order shall not be filled up until further Order, and thereupon the same shall not be filled up accordingly, unless and until the Lord Chancellor shall, by Order, declare that, having regard to the then State of the Business of the Court, he is of opinion that any such Vacancy as aforesaid ought to be then filled up, and thereupon the same may be filled up, as if this Act had not been passed or such first-mentioned Order had not been made.

Certain Provisions of 1 & 2 W. 4. c. 56. s. 9. repealed, and Registrars may be removed upon Certificate of the Lords Justices.

III. And whereas by Section Nine of an Act passed in the Session of Parliament holden in the First and Second Years of King *William* the Fourth, Chapter Fifty-six, it is enacted, that it shall be lawful for His Majesty, His Heirs and Successors, to remove any of the Registrars and Deputy Registrars of the Court of Bankruptcy upon a Certificate from the Court of Review, or One of the Subdivision Courts, of some sufficient Reason to be named therein for such Removal: Now be it enacted as follows:

The said Enactment shall be repealed; and it shall be lawful for Her Majesty, Her Heirs and Successors, to remove the Chief Registrar or any of the Registrars for the Time being of the said Court, acting either in *London* or in the Country, upon a Certificate from the Lords Justices for the Time being of the Court of Appeal in Chancery, of some sufficient Reason to be named therein for such Removal.

Power to appoint a Person to act as Registrar temporarily.

IV. Where, upon any Vacancy in the Office of Registrar for *London* or a Country District, it shall seem to the Lord Chancellor that it is necessary that some Person should be then appointed to attend upon and assist a Commissioner there acting, but that it is not expedient that a permanent Appointment to the Office of Registrar there should be then made, the Lord Chancellor may appoint a fit Person to act as Registrar in and for *London* or the Country District, as the Case may require, and in that Capacity to attend upon and assist a Commissioner there acting, until further Order.

Remuneration of a Person ap-

V. Every Person appointed to act under the last preceding Section may receive from Time to Time, out of the Monies for the Time being

being standing to the Credit of the Chief Registrar's Account, such Sum or Sums by way of Remuneration for his Services in the Period during which he shall act, not exceeding in the whole the Amount to which he would have been entitled as Salary for the same Period under a permanent Appointment as Registrar to act in *London* or in a Country District, as the Case may be, together with such further Sum (if any) for his necessary and proper travelling Expenses, as the Lord Chancellor may from Time to Time order.

pointed to act under last preceding Section.

VI. Where a Commissioner or Registrar, acting either in *London* or in a Country District, is temporarily hindered from discharging his Duty by Illness or unavoidable Absence, the Lord Chancellor may, if he shall so think fit, appoint a fit Person, who in the Case of a Commissioner shall be a Serjeant or Barrister-at-Law of at the least Seven Years standing at the Bar, to act in the Stead of such Commissioner or Registrar as aforesaid, during his Illness or unavoidable Absence.

Power to appoint Substitute in Illness or unavoidable Absence of Commissioner or Registrar.

VII. Where a Commissioner or Registrar acting in a Country District is absent for any reasonable Cause, the Lord Chancellor may, if he shall so think fit, from Time to Time appoint a fit Person, who in the Case of a Commissioner shall be a Serjeant or Barrister-at-Law of at the least Seven Years standing at the Bar, to act in the Stead of such Commissioner or Registrar as aforesaid, during such Period or Periods as shall not exceed in the whole the Period of Two Calendar Months in any One Period of Twelve consecutive Calendar Months.

Power to appoint Substitute in reasonable Absence of Country Commissioner or Registrar.

VIII. Every Serjeant, Barrister, or other Person who shall under this Act act in the Stead of a Commissioner or Registrar, or in succession to a Registrar, but without a permanent Appointment as Registrar, may and shall, while his Appointment remains in force, have, discharge, and execute all the Jurisdiction, Rights, Powers, Duties, and Authorities belonging to the Office of the Commissioner or Registrar in whose Stead or in succession to whom he shall for the Time being act, with full Validity and Effect to all Intents and Purposes.

Substitute to have like Authority, &c.

IX. No Vacancy in the Office of Messenger or of Usher shall be hereafter filled up without the Sanction of the Lord Chancellor first obtained.

Appointments of Messengers and Ushers.

X. And whereas by Section Seventy-six of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, Chapter One hundred and twenty-two, it is enacted, that a succeeding Judge, Commissioner, Registrar, and Deputy Registrar respectively shall be paid such proportionate Part of their respective Salaries as shall be accruing or shall accrue from the Day of the Resignation, Death, or Removal from Office of the preceding Judge, Commissioner, Registrar, or Deputy Registrar respectively; and by Section

Section 76. of 5 & 6 Vict. c. 122. and Section 49. of 7 & 8 Vict. c. 96. repealed, and Salaries of Officers to commence from Appointment.

Section Forty-nine of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty, Chapter Ninety-six, it is enacted, that the Successor of any Registrar or Deputy Registrar dying, resigning, or being removed shall be entitled to receive such Portion of his Salary as shall be accruing or shall accrue from the Day of such Death, Resignation, or Removal: Now be it enacted as follows:

The said Enactments shall be repealed; and the Salaries of all Commissioners and other Officers of the Court of Bankruptcy to be hereafter appointed shall commence from the respective Times when they shall respectively be so appointed, and not from the Times when the respective Vacancies shall have occurred.

Remuneration of Official Assignees.

XI. The Lord Chancellor shall, within Six Calendar Months after the passing of this Act, with the Advice and Assistance of the said Lords Justices and of any Two or more of the Commissioners, by Order, direct according to what Scale or Rate, and in what Manner, and with reference to what Considerations, the Remuneration of an Official Assignee for his Services in respect of a Bankrupt's Estate shall be calculated and allowed; and as from the Day on which such Order as aforesaid shall take effect, the Section of the Bankrupt Law Consolidation Act, 1849, numbered Forty-four, shall be repealed, and thenceforth the Court shall not order or allow any Sum to be paid out of a Bankrupt's Estate to the Official Assignee thereof, as a Remuneration for his Services, otherwise than in pursuance of and in accordance with the Provisions and Directions of such Order as aforesaid, or any Order amending or substituted for the same; and the Lord Chancellor may from Time to Time thereafter, with the Advice and Assistance aforesaid, by Order, regulate such Remuneration as aforesaid; and the Provisions and Directions respecting such Remuneration as aforesaid contained in the General Order of the Nineteenth Day of *October* One thousand eight hundred and fifty-two, numbered CXXX., shall remain in force and be observed until the same shall be abrogated or varied by any Order to be made under this Act.

Fees may be altered by Order of Lord Chancellor.

XII. The Lord Chancellor may, with the Advice and Assistance aforesaid, from Time to Time by Order vary or abolish the Fees by the Bankrupt Law Consolidation Act, 1849, made payable by Stamps, or any of them, or other the Fees for the Time being payable in relation to any of the Proceedings in Matters of Bankruptcy or Arrangement in the Court of Bankruptcy or the Court of Appeal in Chancery, and, if and when it shall seem necessary or expedient, fix and impose upon or in relation to such Proceedings as aforesaid, or any of them, other Fees, or Fees of an altered Amount, but not of an Amount higher than that by the last-mentioned Act prescribed, as far as regards any Fee or Stamp Duty thereby expressly made payable in respect of any Document therein specified; and the Provisions of the same Act respecting Stamps are hereby extended and applied to and in the Case of such Stamps as may be required by any Order to be made under this Act.

XIII. The

Bankruptcy.

XIII. The Lord Chancellor may, with the Advice and Assistance aforesaid, if it shall to him seem expedient, abolish such Per-centage as is by the Bankrupt Law Consolidation Act, 1849, (Section LIV.,) made payable to the Chief Registrar's Account, or reduce the lowest Rate thereof below One Eighth of a Pound *per Centum*, and again re-impose the said Per-centage, and from Time to Time regulate and vary the same, but so that the highest Rate thereof shall not ever exceed the highest Rate made payable by the said Act.

Per-centage paid to Chief Registrar's Account may be abolished or varied by Order.

XIV. The Lord Chancellor may, with the Advice and Assistance aforesaid, from Time to Time by Order fix a maximum Sum to be paid in any Matter of Bankruptcy or Arrangement in respect of the Fees, Stamp Duties, Per-centages, or other Charges for the Time being payable to or in aid of the Fund standing to the Credit of the Chief Registrar's Account, and raise or lower the same as may seem expedient; and when in any Matter the total Sum paid in respect of such Fees, Stamp Duties, Per-centages, or other Charges as aforesaid, shall amount to the maximum Sum for the Time being fixed (which shall be ascertained and certified in such Manner and by such Person as the Lord Chancellor, with the Advice and Assistance aforesaid, may by Order direct), then and in that Case there shall not be any further or other Fee, Stamp Duty, Per-centage, or Charge whatsoever paid or payable in relation to the same Matter, or any of the Proceedings taken or to be taken therein, to or in aid of the Fund standing to the Chief Registrar's Account.

Power to fix Maximum payable for Fees.

XV. The Section of the Bankrupt Law Consolidation Act, 1849, numbered VIII., is hereby repealed, but not so as to invalidate any Rule or Order already made thereunder; and the Lord Chancellor may, with the Advice and Assistance aforesaid, from Time to Time by Order vary or abrogate all or any of the Rules and Orders already made thereunder, or under any other Authority, and now in force, in relation to Matters of Bankruptcy or Arrangement, and may from Time to Time make and alter or revoke such Orders as may to him seem expedient for the better Execution of the last-mentioned Act and this Act, or either of them, or any other Act relating to Bankruptcy, and for the Regulation of the Practice in Matters of Bankruptcy and Arrangement, and the Form and Mode of Proceeding therein before and by the Court of Bankruptcy, and for the Regulation of the Duties of the several Officers of the Court of Bankruptcy, and the Fees, Costs, Charges, and Allowances, as well of Solicitors and of Messengers and Ushers, as also of Auctioneers, Appraisers, Brokers, Valuers, and Accountants employed by Assignees, Messengers, or Bankrupts, and for the Taxation thereof respectively.

Power to make General Orders.

XVI. Every Declaration of Insolvency to be filed on or after the First Day of *September* One thousand eight hundred and fifty-four, for the Purposes of the Bankrupt Law Consolidation Act, 1849, under the Authority of that Act as altered by the Act of the Session of Parliament

Where Declarations of Insolvency to be filed.

ment holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Seventy-seven, shall, in lieu of being in every Case filed in the Office of the Chief Registrar, be filed in the Court within the District whereof the Trader filing the same shall have resided or carried on Business for Six Calendar Months next immediately preceding the Time of the filing thereof; and the same shall be filed, in the Case of the *London* District, in the Office of the Chief Registrar, and in the Case of the Country Districts with the respective Registrars thereof.

Filing in Country District Court effectual.

XVII. The filing of a Declaration of Insolvency with the Registrar of a Country District shall have the same Effect to all Intents and Purposes as the filing thereof in the Office of the Chief Registrar would now have.

Copies to be sent to Chief Registrar

XVIII. The several Registrars acting in the Country shall transmit by Post Copies of all Declarations of Insolvency filed with them, immediately on the filing thereof respectively, to the Chief Registrar, who shall immediately on the Receipt thereof respectively cause the same to be entered in a proper Book to be kept by him for that Purpose.

Copy certified by Country Registrar to be Evidence.

XIX. A Copy of a Declaration of Insolvency purporting to be certified by a Registrar of a Country District as a true Copy of a Declaration filed in the Court for that District shall be received as Evidence of such Declaration as aforesaid having been filed.

Trader petitioning to show 150*l.* Assets

XX. The Section of the Bankrupt Law Consolidation Act, 1849, numbered XCIII., is hereby repealed as from the First Day of *September* One thousand eight hundred and fifty-four; and on and after that Day any Trader liable to become bankrupt may petition for Adjudication of Bankruptcy against himself, but, unless he shall forthwith after filing his Petition, and before Adjudication of Bankruptcy thereunder, make it appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of One hundred and fifty Pounds at the least, his Petition shall be dismissed, and no further Petition shall be filed by him in the same District without the Leave of the Court first obtained, and the Adjudication on any further Petition shall be subject to the like Condition as aforesaid as to his available Estate.

Form of Petition of Trader.

XXI. The Form of Petition for Adjudication of Bankruptcy presented by a Trader himself which is specified in the Schedule (O.) to the last-mentioned Act annexed shall, on and after the First Day of *September* One thousand eight hundred and fifty-four, be altered by the Words "produce the Sum of One hundred and fifty Pounds at the least" being inserted therein, in lieu of the Words "pay his Creditors at least Five Shillings in the Pound."

Proof of Assets to the Amount of

XXII. Proof by a Trader petitioning as aforesaid of the Sufficiency of his available Estate to the Extent required by this Act

Act shall have the same Force and Effect, to all Intents, and for all the Purposes of the Bankrupt Law Consolidation Act, 1849, as Proof by him of the Sufficiency of his available Estate to the Extent required by that Act would now have for the same Purposes.

150*l.* to be sufficient.

XXIII. After the Appointment of an Official Assignee to act in any Bankruptcy, and before the Choice of Assignees by the Creditors, the Messenger shall follow the Instructions of the Official Assignee, subject to the Directions and Control of the Court, with respect to the taking possession of any Part of the Bankrupt's Estate or Effects of which the Messenger shall not have then already taken possession, and the keeping possession of any Part thereof of which he shall then already have taken or shall at any Time thereafter take possession.

Messenger to follow Instructions of Official Assignee.

XXIV. The Section of the Bankrupt Law Consolidation Act, 1849, numbered CCXXXIII., limiting the Time within which a Person adjudged bankrupt may dispute the Adjudication, shall, in the Case of every Person who shall be adjudged bankrupt on or after the First Day of *September* One thousand eight hundred and fifty-four, be construed and acted upon for all Purposes whatsoever as if the Words "Two Calendar Months" were therein inserted, in lieu of the Words "Twenty-one Days."

Extension of Time for disputing Adjudication.

XXV. Every Person who shall be adjudged bankrupt on or after the First Day of *September* One thousand eight hundred and fifty-four shall be entitled to retain, for the Use of himself and his Family, under the Name of excepted Articles, such Articles of Household Furniture, and Tools, Implements of Trade, and other like Necessaries as he shall specify and select, not exceeding in the whole the Value of Twenty Pounds; and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy, or to be taken in Execution at the Suit of any Creditor entitled to prove under the Bankruptcy; and in all Cases there shall be filed with the Proceedings in the Court an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation attesting the Truth thereof, and stating when and where such Articles were seen and valued; and the reasonable Expenses and Charge of and for such Valuation, when taxed, shall be paid by the Official Assignee out of the Proceeds of the Estate of the Bankrupt, under the Order of the Commissioner.

Excepted Articles to be allowed to a Bankrupt.

XXVI. Except where the Court shall otherwise order, an Inventory and Valuation of the Remainder of the Bankrupt's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official Assignee; and where the Bankrupt shall, by Writing under his Hand, request the Assignees not to dispose of the same, such Household Furniture, Tools, or Implements of Trade shall not be disposed of by the Assignees without previous Order of the Commissioner;

An Inventory and Valuation of the Remainder of the Bankrupt's Household Furniture, &c. to be

made, which shall not be sold without the Order of a Commissioner.

missioner; and the Commissioner may, upon the Application of the Bankrupt, postpone the Removal and Sale of the same for such Time as the Commissioner, in the Exercise of his Discretion, shall think fit, having regard to the probable Value of the other Property of the Bankrupt, and he may permit and suffer the same to remain in the Use and Occupation of the Bankrupt, upon such Terms and Conditions and with such Security as to the Commissioner may seem proper, so as to protect the same from being made liable to or sold for the Payment of any Rent, Rates, or Taxes which might become due thereafter for or on account of any House or Premises wherein such Property may be placed, and from being made liable to be sold for the Payment of any Debt, Claim, or Demand whatsoever by reason of being in the Possession and Occupation of the Bankrupt; and the Commissioner may, at any Time when he shall think it necessary so to do, order the same to be taken by the Messenger or Assignee, and to be sold for the Benefit of the Creditors.

If the Bankrupt shall be entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

XXVII. If the other Estate and Effects of the Bankrupt shall in the due Administration thereof pay to the Creditors such an Amount of Dividend as shall entitle the Bankrupt to an Allowance in Money, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the Bankrupt shall accept the same at the Valuation so originally put upon the same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignees, as and for his Allowance instead of Money; and such Articles of Household Furniture, Tools, and Implements of Trade so accepted shall be delivered to him, and shall thereupon, without any Deed of Assignment, revest in the Bankrupt as his own Property, and the Official Assignee shall sell for the Benefit of the Creditors such Portions of such Articles as the Bankrupt shall not be entitled to retain, and such Deduction may be made from his Allowance for any Diminution in Value in such Articles occasioned by his having continued to use them since the Bankruptcy as the Commissioner may think reasonable (to be either paid by the Bankrupt in Money or the Amount thereof in Value retained in Goods).

Construction. Short Title.

XXVIII. This Act shall be construed together with the Bankrupt Law Consolidation Act, 1849, as One Act, and may be cited as "The Bankruptcy Act, 1854."

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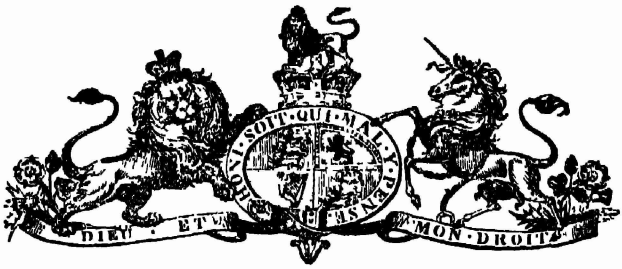

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VICTORIÆ REGINÆ.

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diately after the passing thereof, this Act shall come into operation at the same Time as the Merchant Shipping Act, 1854.

Repeal of Acts mentioned in Schedule.

4. There shall be hereby repealed—

The several Acts and Parts of Acts set forth in the First Schedule hereto, to the Extent to which such Acts or Parts of Acts are therein expressed to be repealed, and all such Provisions of any other Acts or of any Charters, and all such Laws, Customs, and Rules as are inconsistent with the Provisions of the Merchant Shipping Act, 1854:

Provided that such Repeal shall not affect—

(1.) Any Provisions contained in the Act of the Seventh Year of His late Majesty King *William* the Fourth, Chapter Seventy-nine, as to Title, Application of Purchase Money, or borrowing Money, and having relation to the Power of purchasing Lighthouses given to the *Trinity House* by the same Act:

(2.) Any Security duly given before this Act comes into operation:

(3.) Any Thing duly done before this Act comes into operation:

(4.) Any Liability accruing before this Act comes into operation:

(5.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation:

(6.) The Institution of any Investigation or legal Proceeding or any other Remedy for ascertaining, enforcing, or recovering any such Liability, Penalty, Forfeiture, or Punishment as aforesaid:

(7.) Any Appointment, Byelaw, Regulation, or Licence duly made or granted under any Enactment hereby repealed, and subsisting at the Time when this Act comes into operation; and the same shall continue in force, but shall be subject to such Provisions of the Merchant Shipping Act, 1854, as are applicable thereto respectively.

Continuation of Local Marine Boards.

5. The Local Marine Boards, the Members of which have been appointed or elected under the Mercantile Marine Act, 1850, shall continue to act until the Fourth Day of *February* One thousand eight hundred and fifty-seven, or until other Boards have been constituted in lieu thereof in pursuance of the Provisions of the Merchant Shipping Act, 1854.

Construction of Sections 4 and 9 of the Pilotage Law Amendment Act, 1853.

6. The Fourth and Ninth Sections of "The Pilotage Law Amendment Act, 1853," shall be construed as if the Fifth Part of "The Merchant Shipping Act, 1854," were therein referred to, in lieu of the Act of the Sixth Year of King *George* the Fourth, Chapter One hundred and twenty-five.

Expenses of Life Boats, &c. may be

7. The Board of Trade may, out of the Mercantile Marine Fund, direct Payment to be made of such Expenses for establishing and maintaining

maintaining on the Coasts of the United Kingdom proper Life Boats, with the necessary Crews and Equipments, and for affording Assistance towards the Preservation of Life and Property in Cases of Shipwreck and Distress at Sea, and for the granting Rewards for the Preservation of Life in such Cases, as it thinks fit; and this Section shall come into operation immediately after the passing of this Act.

charged on Mercantile Marine Fund.

8. Nothing in the Merchant Shipping Act, 1854, or in this Act, contained shall operate to prevent the Exercise of the Powers contained in the Twelfth and Sixteenth Sections of the Merchant Shipping Law Amendment Act, 1853, of paying the Debts, Liabilities, and Expenses therein mentioned out of the Mercantile Marine Fund: And whereas it was arranged that a Sum to be ascertained by the Calculation of Actuaries should before the said last-mentioned Act came into operation be paid by the *Trinity House* out of the Cash Balances then in their Hands for the Purpose of supplying a Deficiency in the Funds of the Cinque Ports Pilots, and of indemnifying the Funds of the *Trinity House* Pilots against any Loss consequent upon the Settlements to be made under the Pilotage Law Amendment Act, 1853: And whereas when the Merchant Shipping Law Amendment Act, 1853, came into operation, the said Calculation was not completed: Be it enacted, That such Payment may, with the Consent of the Board of Trade, be made by the *Trinity House* in the same Manner as Payment of the Debts, Liabilities, and Expenses referred to in the said Twelfth Section of the said last-mentioned Act; and this Section shall come into operation immediately after the passing of this Act.

Existing Liabilities on Mercantile Marine Fund continued.

9. All Monies arising from any Wages and Effects of deceased Seamen or Apprentices to the Sea Service which were received before the First Day of *January* One thousand eight hundred and fifty-two shall be applied in the same Manner as if the same had been received under the Provisions of "The Merchant Shipping Act, 1854."

Provision as to Wages, &c. received before 1852. 13 & 14 Vict. c. 102. s. 31.

10. The Receiver General of Droits of Admiralty shall, as to all Things to be done by him in virtue of his Office, conform to all lawful Directions given for that Purpose by the Board of Trade; and on a Vacancy occurring in his Office no Successor shall be appointed, but thereupon all Powers and Privileges vested in such Receiver General shall be transferred to the Board of Trade; and this Section shall come into operation immediately after the passing of this Act.

Receiver General to conform to Directions of Board of Trade.

11. Receivers appointed by the said Receiver General under the Act of the Tenth Year of the Reign of Her present Majesty, Chapter Ninety-nine, shall hold their Offices only during the Pleasure of the Board

Powers of Board of Trade as to Appointment of Receivers.

Board of Trade; and the Serjeants of the Admiralty of the Cinque Ports, their Deputies or other Officers, authorized to perform the Duties and to exercise the Powers within the Jurisdiction of the Cinque Ports elsewhere performed and exercised by such Receivers as aforesaid, shall perform and exercise the same only during the Pleasure and subject to the Directions of the Board of Trade; and all such Receivers, Serjeants, Deputies, and other Officers as aforesaid shall possess in the several Districts within which they have hitherto exercised their Duties the same Powers, Rights, and Privileges, and perform the same Duties, as are by the said Merchant Shipping Act, 1854, vested in and committed to the Receivers therein mentioned, save only that they shall not be entitled to take the Command in Cases of Ships or Boats stranded or in distress, unless authorized so to do by the Board of Trade.

Payment of Receivers.

12. There shall be payable to such Receivers, Serjeants, Deputies, and other Officers as aforesaid such Fees and other Remuneration as are by the said Merchant Shipping Act, 1854, made payable to Receivers appointed thereunder, and Payment thereof shall be made by the same Persons and in the same Manner, and shall be capable of being enforced by the same Means, as Payment of the Fees or other Remuneration payable to the Receivers appointed under "The Merchant Shipping Act, 1854," are payable or capable of being enforced, or as near thereto as Circumstances permit; and, save as aforesaid, and saving also any Expenses actually and properly incurred, no such Receiver, Serjeant, Deputy, or other Officer as aforesaid shall be entitled to demand or receive from any Person any Fees or other Sums in respect of any Services performed by him as Receiver; and this Section shall come into operation immediately after the passing of this Act.

Application of Fees.

13. All Fees or other Remuneration received by any such Receiver, Serjeant, Deputy, or other Officer as aforesaid may be applied by him to his own Use.

Ninth Part of Merchant Shipping Act, 1854, to come into operation immediately.

14. The Provisions contained in the Ninth Part of "The Merchant Shipping Act, 1854," shall come into operation at the same Time as if the same were herein repeated, and were hereby expressed to be intended to come into operation immediately after the passing of this Act; and the following Acts, that is to say, the Act of the Seventh Year of King *George* the Second, Chapter Fifteen, the Act of the Twenty-sixth Year of King *George* the Third, Chapter Eighty-six, and the Act of the Fifty-third Year of King *George* the Third, Chapter One hundred and fifty-nine, shall be considered as repealed immediately after the passing of this Act.

15. All

Merchant Shipping Acts Repeal.

Mode of Procedure Criminal Cases.

15. All Criminal Proceedings under "The Seamen's Fund Winding-up Act, 1851," "The Pilotage Law Amendment Act, 1853," "The Merchant Shipping Law Amendment Act, 1853," or this Act, shall be carried on in the same Manner as similar Proceedings under "The Merchant Shipping Act, 1854;" and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

Penalty on Masters of Ships leaving certain Seamen in Distress in this Country.

16. If a Native of any Country in *Asia*, *Africa*, or of any of the Islands in the *South Sea* or the *Pacific Ocean*, or of any other Country not having any Consul in the United Kingdom, is brought to the United Kingdom in any Ship, *British* or Foreign, as a Seaman, and is left in the United Kingdom, and within Six Months of his being so left becomes chargeable upon the Poor Rate, or commits any Act by reason of the Committal whereof he is liable to be convicted as an idle and disorderly Person, or any other Act of Vagrancy, the Master or Owner of the said Ship, or in case of a Foreign Ship the Person who is Consignee of the Ship at the Time of the Seaman being so left as aforesaid, shall incur a Penalty not exceeding Thirty Pounds, unless he can show that the Person so left as aforesaid quitted the Ship without the Consent of the Master, or that due Means have been afforded by such Master, Owner, or Consignee, or One of them, to such Person, of returning to his Native Country, or to the Country in which he was shipped; and the Court inflicting such Penalty may order the whole or any Part of such Penalty to be applied towards the Relief or sending Home of such Person.

SCHEDULE to which this Act refers.

Acts and Parts of Acts to be repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
8 Eliz. Cap. 13.	An Act touching Sea Marks and Mariners.	The whole Act, except Section 5.
12 Anne, Stat. 2. Cap. 18.	An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on shore or stranded on the Coasts of this Kingdom or on any other of Her Majesty's Dominions.	So much as is not already repealed.
4 Geo. 1. Cap. 12.	An Act for enforcing and making perpetual an Act of the Twelfth Year of Her late Majesty, intituled "An Act for the preserving all "such Ships and Goods thereof which shall "happen to be forced on shore or stranded "upon the Coasts of this Kingdom or any "other of Her Majesty's Dominions;" and for inflicting the Punishment of Death on such as shall wilfully burn or destroy Ships.	So much as is not already repealed.
7 Geo. 2. Cap. 15.	An Act to settle how far Owners of Ships shall be answerable for the Acts of the Masters or Mariners.	The whole Act.
20 Geo. 2. Cap. 38.	An Act for the Relief and Support of maimed disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service.	So much as is not already repealed.
26 Geo. 2. Cap. 19.	An Act for enforcing the Laws against Persons who shall steal or detain shipwrecked Goods, and for the Relief of Persons suffering Losses thereby.	So much as is not already repealed.
26 Geo. 3. Cap. 86.	An Act to explain and amend an Act made in the Seventh Year of His late Majesty's Reign, intituled "An Act to settle how far Owners "of Ships shall be answerable for the Acts "of the Masters or Mariners;" and for giving a further Relief to the Owners of Ships.	The whole Act.
26 Geo. 3. Cap. 101.	An Act for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole Act.
28 Geo. 3. Cap. 25.	An Act to render more effectual an Act passed in the Twenty-sixth Year of His present Majesty's Reign, intituled "An Act for erecting "certain Lighthouses in the Northern Parts "of Great Britain."	The whole Act.
29 Geo. 3. Cap. 52.	An Act to give further Powers to the Commissioners for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole Act.

Merchant Shipping Acts Repeal.

Reference to Act.	Title of Act.	Extent of Repeal.
38 Geo. 3. Cap. 57. (Local and Personal.)	An Act for incorporating the Commissioners appointed for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole Act.
46 Geo. 3. Cap. 106.	An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters, and Things under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes in Ireland.	Sections 75 and 76.
46 Geo. 3. Cap. 132.	An Act for erecting a Lighthouse on the Bell or Cape Rock on the Eastern Coast of Scotland, and for enabling the Commissioners of the Treasury to advance a certain Sum of Money out of the Consolidated Fund of Great Britain towards that Purpose.	The whole Act.
48 Geo. 3. Cap. 130.	An Act for preventing the various Frauds and Depredations committed on Merchants, Ship-owners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of Her late Majesty Queen Anne.	The whole Act.
50 Geo. 3. Cap. 95.	An Act to enable the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole Act.
51 Geo. 3. Cap. 66.	An Act to amend and render more effectual several Acts for promoting the Trade of Dublin, by rendering its Port and Harbour more commodious, and for erecting, repairing, and maintaining Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole Act, so far as relates to Lighthouses and Light Dues.
52 Geo. 3. Cap. 115.	An Act to make more effectual Provision for enabling the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain Lighthouses and Lights round the Coasts of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole Act.
53 Geo. 3. Cap. 159.	An Act to limit the Responsibility of Ship Owners in certain Cases.	The whole Act.
54 Geo. 3. Cap. 136.	An Act for enabling the Commissioners of the Northern Lighthouses to purchase the Island and Light of May at the Entrance of the Frith of Forth, for enabling the Commissioners of the Treasury to advance a certain Sum of Money towards that Purpose, and for amending several Acts in regard to the Northern Lighthouses.	The whole Act.
55 Geo. 3. Cap. lxvii. (Local and Personal.)	An Act for enabling the Commissioners of the Northern Lighthouses to erect Lighthouses on the Isles of Man and Calf of Man.	The whole Act.

Merchant Shipping Acts Repeal.

Reference to Act.	Title of Act.	Extent of Repeal.
59 Geo. 3. Cap. 12.	An Act to amend the Laws for the Relief of the Poor.	Section 32.
1 & 2 Geo. 4. Cap. 76.	An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of Her late Majesty Queen Anne.	The whole Act, except Sections 1, 2, 3, 4, 5, 15, 16, and 18.
4 Geo. 4. Cap. 88.	An Act for regulating Vessels carrying Passengers between Great Britain and Ireland.	The whole Act.
6 Geo. 4. Cap. 125.	An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better preservation of Floating Lights, Buoys, and Beacons.	The whole Act.
9 Geo. 4. Cap. 86.	An Act to amend an Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons.	The whole Act.
11 Geo. 4. Cap. 20.	An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy.	Section 82.
4 & 5 Wm. 4. Cap. 52.	An Act to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, and for other Purposes.	So much as is not already repealed.
5 & 6 Wm 4. Cap. 19.	An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service.	So much as is not already repealed.
6 & 7 Wm. 4. Cap. 79.	An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strond; and for making Provisions respecting Lighthouses, Lights, Buoys, and Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof.	The whole Act.
1 & 2 Vict. Cap. 66.	An Act for maintaining a Lighthouse at Gibraltar, and respecting Lighthouses not within the United Kingdom.	The whole Act.
3 & 4 Vict. Cap. 68.	An Act to enable Her Majesty in Council to authorize Ships and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom to be piloted, in certain Cases, without having a licensed Pilot on board; and also to regulate the Mode in which Pilot Boats shall be painted and distinguished.	The whole Act.

Merchant Shipping Acts Repeal.

Reference to Act.	Title of Act.	Extent of Repeal.
7 & 8 Vict. Cap. 112.	An Act to amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen.	The whole Act.
8 & 9 Vict. Cap. 86.	An Act for the General Regulation of the Customs.	Sections 45. 51. 53. and 140.
8 & 9 Vict. Cap. 87.	An Act for the Prevention of Smuggling -	Section 10.
8 & 9 Vict. Cap. 89.	An Act for the registering of British Vessels -	The whole Act.
8 & 9 Vict. Cap. 116.	An Act for the Protection of Seamen entering on board Merchant Ships.	The whole Act.
9 & 10 Vict. Cap. 99.	An Act for consolidating and amending the Laws relating to Wreck and Salvage.	The whole Act.
12 & 13 Vict. Cap. 29.	An Act to amend the Laws in force for the Encouragement of British Shipping and Navigation.	The whole Act.
12 & 13 Vict. Cap. 88.	An Act to amend the Laws relating to Pilotage.	The whole Act.
13 & 14 Vict. Cap. 93.	An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline in the Merchant Service.	The whole Act.
13 & 14 Vict. Cap. 95.	An Act to amend the Laws relating to the Customs.	Section 14.
14 & 15 Vict. Cap. 35.	An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in Ireland, and to enable such Guardians to place out Boys in the Naval Service.	The whole Act, except Section 10.
14 & 15 Vict. Cap. 79.	An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by sea-going Vessels.	The whole Act.
14 & 15 Vict. Cap. 96.	An Act to amend the Mercantile Marine Act, 1850.	The whole Act.
14 & 15 Vict. Cap. 102.	An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime.	Sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 61.
16 & 17 Vict. Cap. 129.	An Act further to amend the Law relating to Pilotage.	The whole Act, except Sections 3, 4, 5, 8, 10, 11. 12, 13, and so much of Section 9 as relates to the Recovery of Pilotage Rates by Cinque Ports Pilots licensed before the Act came into operation.

Merchant Shipping Acts Repeal

Reference to Act.	Title of Act.	Extent of Repeal
16 & 17 Vict. Cap 131	An Act to amend various Laws relating to Merchant Shipping	The whole Act, except Sections 12, 13, 24, 28, and 29
17 & 18 Vict. Cap 5.	An Act to admit Foreign Ships to the Coasting Trade	Section 4

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXXI.

An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and fifty-four, and to appropriate the Supplies granted in this Session of Parliament. [12th *August* 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1854 the Sum of 22,322,743*l.* 9*s.* 11*d.* out of the Consolidated Fund.

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-four, the Sum of Twenty-two millions three hundred twenty-two thousand seven hundred and forty-three Pounds Nine Shillings and Elevenpence, out of the Consolidated Fund of the United Kingdom of Great Britain

and

and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 22,322,743*l.* 9*s.* 11*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1, 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-two millions three hundred twenty-two thousand seven hundred and forty-three Pounds Nine Shillings and Elevenpence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 22,322,743*l.* 9*s.* 11*d.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-two millions three hundred twenty-two thousand seven hundred and forty-three Pounds Nine

Nine Shillings and Elevenpence, anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Treasury may apply, for the Service of the Year 1854, 149,342*l.* 15*s.* 1*d.* Surplus of Ways

IX. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-four, the Sum of One hundred forty-nine thousand three hundred and forty-two Pounds

and Means, and 500,000*l.* Part of Sum in Exchequer.

Pounds Fifteen Shillings and One Penny, being the Surplus of Ways and Means granted for the Service of preceding Years, and also the Sum of Five hundred thousand Pounds, a Part of the Sum in the Exchequer of the United Kingdom of Great Britain and Ireland or remaining to be raised on the Fifth Day of July One thousand eight hundred and fifty-four to complete the Aids granted by Parliament for the Service of the Years One thousand eight hundred and fifty-two and One thousand eight hundred and fifty-three; and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the said United Kingdom, are or is hereby authorized and empowered to issue and apply the same accordingly.

Appropriation of Ways and Means to Services hereafter expressed

17 & 18 Vict. c. 2.

17 & 18 Vict. c. 9.

17 & 18 Vict. c. 12.

17 & 18 Vict. c. 21.

17 & 18 Vict. c. 23.

X. All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Eight "Millions out of the Consolidated Fund to the Service of the Year "One thousand eight hundred and fifty-four," and also the Sum of One million seven hundred and fifty thousand Pounds granted by one other Act passed in this Session of Parliament, intituled "An Act for "raising the Sum of One million seven hundred and fifty thousand "Pounds by Exchequer Bills for the Service of the Year One thou-"sand eight hundred and fifty-four," and also the Sum of Sixteen millions twenty-four thousand one hundred Pounds granted by one other Act passed in this Session of Parliament, intituled "An Act "for raising the Sum of Sixteen millions twenty-four thousand one "hundred Pounds by Exchequer Bills for the Service of the Year "One thousand eight hundred and fifty-four," and also the Sum of Eight Millions granted by one other Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Eight "Millions out of the Consolidated Fund to the Service of the "Year One thousand eight hundred and fifty-four," and all or any of the Monies coming into the said Exchequer by one other Act passed in this Session of Parliament, intituled "An Act for raising the Sum of "Six Millions by Exchequer Bonds and Exchequer Bills," and also the respective Sums of Twenty-two millions three hundred twenty-two thousand seven hundred and forty-three Pounds Nine Shillings and Elevenpence, of One hundred forty-nine thousand three hundred and forty-two Pounds Fifteen Shillings and One Penny, and of Five hundred thousand Pounds by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied, for or towards the several Uses and Purposes hereafter expressed.

There shall be issued 12,874,505*l.* for Navy Services; viz.

XI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twelve millions eight hundred seventy-four thousand five

five hundred and five Pounds, for or towards the Navy Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Two millions six hundred fifty-four thousand three hundred and seventy-one Pounds, to defray the Charge of Wages to Sixty-three thousand five hundred Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five, also of additional Pay to Coast Guard Men and Seamen Riggers, and to provide for the Balance of Pay due to the Representatives of the Officers and Crews of Her Majesty's Ships "Erebus" and "Terror;" and any Sum or Sums of Money not exceeding One million seventy thousand three hundred and twenty-four Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred forty-three thousand four hundred and sixty-seven Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, and to provide for the additional Expense of the Admiralty Office to be incurred in consequence of the Increase of Business arising out of the Declaration of War, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not not exceeding Fifty thousand Pounds, to defray the Charges for the Royal Naval Coast Volunteers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifty-one thousand seven hundred and twenty-two Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several Scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred thirty-three thousand four hundred and fifty-one Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, for a Deputy Inspector at Deal Hospital, and Clerks in the Dock and Victualling Yards, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-two thousand two hundred and ninety-seven Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-

2,654,371*l.* for Wages to 63,500 Seamen and Marines, additional Pay to Coast Guard Men, &c. and for Balance of Pay to Ships "Erebus" and "Terror;"

1,070,324 for Victuals, &c. in the Navy;

143,467*l.* for Salaries, &c. of the Admiralty Office, and Expenses arising out of the Declaration of War;

50,000*l.* for the Royal Naval Coast Volunteers;

51,722*l.* for the Navy Scientific Departments;

133,451*l.* for Naval Establishments at home, &c.;

22,297*l.* for Naval Establishments abroad;

930,648*l.* for Wages of Artificers, &c. at home,

fifty-five; and any Sum or Sums of Money not exceeding Nine hundred thirty thousand six hundred and forty-eight Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March

28,259*l.* for Wages of Artificers, &c. abroad;

One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirty-eight thousand two hundred and fifty-nine Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five;

1,840,063*l.* for Naval Stores, &c;

and any Sum or Sums of Money not exceeding One million eight hundred forty thousand and sixty-three Pounds, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, Steam Vessels, Gun Boats, &c., and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of March

379,642*l.* for new Works in Naval Establishments;

One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Three hundred seventy-nine thousand six hundred and forty-two Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-

62,000*l.* for Medicines, &c.;

first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Sixty-two thousand Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first

60,653*l.* for Naval Miscellaneous Services;

Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Sixty thousand six hundred and fifty-three Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight

657,575*l.* for Naval Half Pay, &c,

hundred and fifty-five; and any Sum or Sums of Money not exceeding Six hundred fifty-seven thousand five hundred and seventy-five Pounds, to defray the Charge of Half Pay, reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of

476,659*l.* for Military Pensions;

March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Four hundred seventy-six thousand six hundred and fifty-nine Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight

148,798*l.* for Civil Pensions;

hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred forty-eight thousand seven hundred and ninety-eight Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-

Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Three millions three hundred twenty-one thousand seven hundred and fifty Pounds, to defray the Charge for the Freight of Ships, and for the Victualling and Conveyance of Troops and Stores on account of the Army and Ordnance Departments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to provide for the Expenses on account of Prisoners of War, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Eight hundred twelve thousand eight hundred and twenty-six Pounds, to defray the Charge of the Post Office Packet Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five.

3,321,750*l.* for Freight of Ships, &c. for Army and Ordnance Services;

20,000*l.* for Expenses of Prisoners of War;

812,826*l.* for Packet Service.

XII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight millions eight hundred ten thousand and fifty-nine Pounds, for or towards the Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Four millions seven hundred twenty-three thousand two hundred and eighty-eight Pounds, for defraying the Charge of Her Majesty's Land Forces in the United Kingdom of Great Britain and Ireland and on Foreign Stations (excepting India), which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Two hundred twenty-one thousand three hundred and eighty-two Pounds, for defraying the Charge of General Staff Officers and Officers of the Hospitals serving with Her Majesty's Forces in the United Kingdom of Great Britain and Ireland and on Foreign Stations (excepting India), which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding One hundred and five thousand and ninety-three Pounds, for defraying the Charge of Allowances and contingent Expenses of the several Public Departments of Her Majesty's Land Forces, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Seventeen thousand four hundred and one Pounds, for defraying the Charge of the Royal Military College, which will come

There shall be issued 8,810,059*l.* for Army Services, viz.

4,723,288*l.* for Forces in U.K. and Stations abroad (except East Indies);

221,382*l.* for General Staff Officers, &c.;

105,093*l.* for Allowances to Officers, &c. of Public Military Departments;

17,401*l.* for Royal Military College;

in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Twenty thousand seven hundred and fifty-six Pounds, for defraying the Charge of the Royal Military Asylum and Hibernian Military School, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Eighty-eight thousand Pounds, for defraying the Charge of Volunteer Corps, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Twenty thousand five hundred Pounds, for defraying the Charge of Allowances as Rewards for distinguished Services, of Allowances to Officers of Her Majesty's Garrisons, including the Garrison of the Tower of London, and of Allowances to Serjeants as Rewards for distinguished or meritorious Service, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Forty-six thousand Pounds, for defraying the Charge of the Pay of General Officers of Her Majesty's Forces, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Fifty-nine thousand six hundred Pounds, for defraying the Charge of Full Pay for Reduced and Retired Officers of Her Majesty's Forces, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Three hundred and fifty-six thousand Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of Her Majesty's Land Forces, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Thirty-three thousand six hundred and seventy-one Pounds, for defraying the Charge of Half Pay and Reduced Allowances of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of the Allowances to the Widows and Children of deceased Foreign Officers, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty five inclusive; and any Sum or Sums of Money not exceeding One hundred

20,756*l.* for Royal Military Asylum, &c.;

88,000*l.* for Volunteer Corps;

20,500*l.* for Rewards for distinguished Military Services;

46,000*l.* for Pay of General Officers;

59,600*l.* for Full Pay for Retired Officers;

356,000*l.* for Half Pay for Retired Offi-

33,671*l.* for Half Pay for Officers of disbanded Foreign Corps, &c.;

115,889*l.* for Pensions to Widows;

hundred fifteen thousand eight hundred and eighty-nine Pounds, for defraying the Charge of Pensions to be paid to Widows of Officers of Her Majesty's Land Forces, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Seventy-five thousand five hundred Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and of Pensions, Gratuities, and Allowances to Officers for Wounds, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Thirty thousand six hundred and ninety-four Pounds, for defraying the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five, inclusive; and any Sum or Sums of Money not exceeding One million two hundred fifteen thousand seven hundred and twelve Pounds, for defraying the Charge of the Out-Pensioners of Chelsea Hospital, of Pensions granted to discharged Negro Soldiers, of Pensioners from Hanoverian Corps which served with the British Army in One thousand seven hundred and ninety-three, One thousand seven hundred and ninety-four, and One thousand seven hundred and ninety-five, and of the Military Organization of Out-Pensioners, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Thirty-eight thousand Pounds, for defraying the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances to Persons formerly belonging to Public Departments, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive; and any Sum or Sums of Money not exceeding Six hundred thousand two hundred and seventy one Pounds, to defray the Charge of the Commissariat Department, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Forty-four thousand three hundred and two Pounds, to defray the Charge of Half Pay, Pensions, and Allowances in the Commissariat Department, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Nine hundred and ninety-eight thousand Pounds, to defray the Charge of the Embodied and Disembodied

75,500*l.* for Compassionate List, &c.;

30,694*l.* for In-Pensioners of Chelsea and Kilmainham Hospitals;

1,215,712*l.* for Out-Pensioners of Chelsea Hospital, &c.;

38,000*l.* for Superannuations in Military Public Departments;

600,271*l.* for Commissariat Department,

44,302*l.* for Half Pay of Commissariat Department,

998,000*l.* for Militia.

Militia of Great Britain and Ireland, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five inclusive.

There shall be issued 4,583,701*l.* for Ordnance Services; viz.

1,014,289*l.* for Pay of Ordnance Military Corps;

653,910*l.* for Commissariat and Barrack Supplies, &c.;

73,719*l.* for Expense of Ordnance Office;

283,645*l.* for Establishments at home and abroad.

266,524*l.* for Wages, &c.;

995,427*l.* for Ordnance Stores for Land and Sea Service;

932,821*l.* for Works and Repairs;

154,368*l.* for Scientific Branch.

XIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four millions five hundred eighty-three thousand seven hundred and one Pounds, for or towards the Ordnance Services hereinafter more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million fourteen thousand two hundred and eighty-nine Pounds, to defray the Expense of the Pay, Allowances, and Contingencies of Ordnance Military Corps, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Six hundred fifty-three thousand nine hundred and ten Pounds, to defray the Expense of Commissariat and Barrack Supplies for Her Majesty's Forces, Great Coats for the Army, and Clothing for the Militia, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seventy-three thousand seven hundred and nineteen Pounds, to defray the Expense of the Ordnance Office, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two hundred eighty-three thousand six hundred and forty-five Pounds, to defray the Expense of the Establishments at home and abroad, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two hundred sixty-six thousand five hundred and twenty-four Pounds, to defray the Expense of Wages of Artificers and Labourers at home and abroad, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Nine hundred ninety-five thousand four hundred and twenty-seven Pounds, to defray the Expense of Ordnance Stores for Land and Sea Service, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Nine hundred thirty-two thousand eight hundred and twenty-one Pounds, to defray the Expense of Works, Buildings, and Repairs at home and abroad, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred fifty-four thousand three hundred and sixty-eight Pounds, to defray the Expense of the Scientific Branch, which will come

come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred seventy-seven thousand nine hundred and ninety-eight Pounds, to defray the Expense of Non-effective Services, Military and Civil, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirty-one thousand Pounds, for defraying the Charge which will probably be incurred, to the Thirty-first Day of March One thousand eight hundred and fifty-five, on account of the Small Arm Factory at Enfield and Experiments on Gun Barrels.

177,998*l.* for Non-effective Services.

31,000*l.* for Enfield Factory.

XIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Sixteen millions twenty-four thousand one hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and fifty-four unprovided for; and any Sum or Sums of Money not exceeding Five hundred thousand Pounds, to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and fifty-three or for any preceding Year.

There shall be issued 16,024,100*l.* to pay off Exchequer Bills of 1854; and 500,000*l.* to discharge Supplies for 1853, or for any preceding Year

XV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three Millions, to enable Her Majesty to provide for any additional Expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of all the Russias.

There shall be issued 3,000,000*l.* for additional Expense in the War against Russia.

XVI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge of Civil Contingencies to the Thirty-first Day of March One thousand eight hundred and fifty-five.

There shall be issued 100,000*l.* for Civil Contingencies.

CIVIL SERVICES.—Class 1.

CIVIL SERVICES, *Class* 1.

XVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thirty-five thousand eight hundred and sixty-three Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-five, the Expense of Maintenance and Repairs of Royal Palaces and Public Buildings; and any Sum or Sums of Money not exceeding Nineteen thousand four hundred and thirty-seven Pounds, for the Completion of the South Wing of Buckingham Palace, in the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Sixty-six thousand five hundred and eighty-five Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-five, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges

There shall be issued 135,863*l.* for Repair of Royal Palaces, &c.;

19,437*l.* for Completion of South Wing of Buckingham Palace,

66,585*l.* for Repair of Royal Parks, &c.;

141,294*l.* for New Houses of Parliament,

10,000*l.* for additional Works, &c. at Stationery Office,

10,000*l.* for Public Record Repository;

155,486*l.* for Holyhead Harbour,

237,000*l.* for Harbours of Refuge,

676*l.* for Port Patrick Harbour,

26,118*l.* for Public Buildings in Department of Public Works in Ireland,

13,370*l.* for Kingstown Harbour.

Charges relating thereto; and any Sum or Sums of Money not exceeding One hundred forty-one thousand two hundred and ninety-four Pounds, for Works and Expenses at the New Houses of Parliament, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards defraying, in the Year One thousand eight hundred and fifty-four, the Expense of additional Works and Fittings at the Stationery Office; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards defraying, in the Year One thousand eight hundred and fifty-four, the Expense of the Erection of a General Repository for Public Records; and any Sum or Sums of Money not exceeding One hundred fifty-five thousand four hundred and eighty-six Pounds, on account of the Works at the New Packet Harbour and Harbour of Refuge at Holyhead, &c., to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two hundred and thirty-seven thousand Pounds, towards defraying the Expense of constructing certain Harbours of Refuge, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Six hundred and seventy-six Pounds, to defray the Expense of the Pay of the Establishment and the necessary Works at Port Patrick Harbour, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-six thousand one hundred and eighteen Pounds, to defray the Expense of repairing and maintaining the several Public Buildings in charge of the Department of the Commissioners of Public Works in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirteen thousand three hundred and seventy Pounds, to defray the Expense of Works and Repairs at Kingstown Harbour and to provide for the Harbour Establishment, to the Thirty-first Day of March One thousand eight hundred and fifty-five.

Civil Services, *Class 2.*

There shall be issued 83,076*l.* for Salaries, &c. of Houses of Parliament;

55146*l.* for the Treasury;

27,552*l.* for the Home Department;

Civil Services.—Class 2.

XVIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty-three thousand and seventy-six Pounds, to pay the Salaries and Expenses of the Two Houses of Parliament, and Allowances to the retired Officers of the Two Houses, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifty-five thousand one hundred and forty-six Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-seven thousand five hundred and fifty-two Pounds, to pay the Salaries and Expenses of the Office of

of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seventy-two thousand three hundred and seventy-two Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and Extra Couriers attached to that Department, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Forty thousand five hundred and fifty Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for War and Colonies, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two thousand seven hundred Pounds, to pay the Salary of the Lord Privy Seal and the Expenses of his Establishment, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-three thousand eight hundred and fifty Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Paymaster General, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seven thousand two hundred and ninety-five Pounds, to pay the Salaries and Expenses in the Department of the Comptroller General of the Exchequer, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty thousand one hundred and twenty-four Pounds, to pay the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-two thousand eight hundred and forty-six Pounds, to pay the Salaries and Expenses of the Office of Her Majesty's Woods, Forests, and Land Revenues, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two thousand seven hundred and ninety-one Pounds, to pay the Salaries and Expenses of the State Paper Office, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Three thousand four hundred and sixty-three Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for England, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two hundred ten thousand nine hundred and two Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Eighty-two thousand five hundred

72,372*l.* for the Foreign Department

40,550*l.* for Department of War and Colonies,

2,700*l.* for Lord Privy Seal,

23,850*l.* for Office of Paymaster General;

7,295*l.* for Department of Comptroller General of Exchequer;

20,124*l.* for Office of Commissioners of Works and Public Buildings;

22,846*l.* for Office of Woods, Forests, &c.,

2,791*l.* for State Paper Office;

3,463*l.* Part Expenses of Ecclesiastical Commissioners;

210,902*l.* for Administration of Poor Laws;

82,504*l.* for the Mint,

hundred and four Pounds, to defray the Charge of the Establishment of the Mint, including Expenses of the Coinage, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twelve thousand six hundred and ninety-one Pounds, to pay the Salaries and Expenses connected with the Department of Public Records, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifteen thousand one hundred and fifteen Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c., to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One thousand seven hundred Pounds, to pay the Salaries of certain Officers in Scotland and other Charges formerly paid from the Hereditary Revenue, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Six thousand two hundred and eighty-three Pounds, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Sixteen thousand seven hundred and forty-four Pounds, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Six thousand seven hundred and four Pounds, to defray the Charge of the Department of the Paymaster of Civil Services in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and eighteen Pounds, to pay the Salaries and Expenses of the Board of Public Works in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two hundred fifty-five thousand five hundred and sixty Pounds, to defray the Expense of Stationery, Printing, and Binding for the several Public Departments, including the Expense of the Stationery Office, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Sixty-eight thousand six hundred Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council, and Committee of Privy Council for Trade, including the Education, the Registrar of Merchant Seamen, Naval, and the Railway Departments, to the Thirty-first Day of March One thousand eight hundred and fifty-five.

12,691*l.* for Public Records.

15,115*l.* for Salaries, &c. of Inspectors of Factories, &c.

1,700*l.* for Civil Charges, Scotland, &c.

6,283*l.* for Officers, &c. of Lord Lieutenant of Ireland.

16,744*l.* for Salaries of Chief Secretary, &c., Ireland.

6,704*l.* for Paymaster of Civil Services, Ireland.

24,218*l.* for Board of Public Works, Ireland.

32,000*l.* for Foreign and Secret Services.

255,560*l.* for Stationery, &c. for Public Departments.

68,600*l.* for the Privy Council, Privy Council for Trade, Education Office, &c.

CIVIL

CIVIL SERVICES.—Class 3.

CIVIL SERVICES, *Class 3.*

XIX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-nine thousand five hundred and sixty-one Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin, also the Salary and Allowance of Counsel for advising the Treasury on Matters relating to the Slave Trade, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seventeen thousand and seventy-nine Pounds, to defray to the Thirty-first Day of March One thousand eight hundred and fifty-five the Expenses incurred by Sheriffs, the Deficiency in the Fees in the Office of the Queen's Remembrancer in the Exchequer, and the Salaries and ancient Allowances to certain Officers of the Court of Exchequer; and any Sum or Sums of Money not exceeding Eight thousand four hundred and fifteen Pounds, to defray the Salaries and Expenses of the Commissioners of the Insolvent Debtors Court, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Ninety-two thousand four hundred and fifty-five Pounds, to defray certain Law Expenses in Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifty-five thousand four hundred and seventy Pounds, to defray the Expense of Criminal Prosecutions and other Law Charges in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirty-seven thousand Pounds, towards defraying the Expense of the Metropolitan Police of Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two hundred and fifty thousand Pounds, to defray to the Thirty-first Day of March One thousand eight hundred and fifty-five certain Charges formerly paid out of County Rates; and any Sum or Sums of Money not exceeding Seventeen thousand three hundred and six Pounds, to defray the Charge of Inspection and General Superintendence over all the Prisons in the United Kingdom, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Three hundred seventy-one thousand three hundred and eighty-three Pounds, to defray the Charge of the Government Prisons and Convict Establishments at home, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred sixty-four thousand one hundred and sixty-five Pounds, to defray the Expense of the Maintenance of Prisoners in County Gaols, Reformatory Institutions, and Lunatic Asylums, and Expenses of Removal of Convicts, to the Thirty-first Day of March One

There shall be issued 29,561*l.* for Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c.;

17,079*l.* for Expenses of Sheriffs, Salaries of Officers of the Exchequer, &c.;

8,415*l.* for Insolvent Debtors Court;

92,455*l.* for Law Expenses, Scotland;

55,470*l.* for Criminal Prosecutions, and Law Charges, Ireland;

37,000*l.* for Metropolitan Police, Dublin;

250,000*l.* for Charges formerly paid out of County Rates;

17,306*l.* for General Superintendence of Prisons, &c.;

371,383*l.* for Government Prisons, and Convict Establishments at home

164,165*l.* for Maintenance of Prisoners and Removal of Convicts;

92,765*l.* for Transportation of Convicts;

One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Ninety-two thousand seven hundred and sixty-five Pounds, to defray Expenses connected with the Transportation of Convicts, &c. to the Thirty-first Day of March One thousand eight hundred and fifty-five;

342,702*l.* for Convict Establishments in the Colonies.

and any Sum or Sums of Money not exceeding Three hundred forty-two thousand seven hundred and two Pounds, to defray the Expense of the Convict Establishments in the Colonies, to the Thirty-first Day of March One thousand eight hundred and fifty-five.

Civil Services *Class* 4.

Civil Services.—Class 4.

There shall be issued 263,000*l.* for Public Education in Great Britain;

XX. Out of all or any the Aids or Supplies aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding Two hundred and sixty-three thousand Pounds, for Public Education in Great Britain, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

193,040*l.* for Education, Ireland;

and any Sum or Sums of Money not exceeding One hundred ninety-three thousand and forty Pounds, for Public Education in Ireland, under the Charge of the Commissioners of National Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

79,845*l.* for Department of Practical Art, &c.;

and any Sum or Sums of Money not exceeding Seventy-nine thousand eight hundred and forty-five Pounds, to defray the Expenses of the Departments of Science and Art, of the Geological Surveys of Great Britain and Ireland, of the Meteorological Observations at Sea, and of the Royal Dublin Society, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

2,006*l.* for certain Professors at Oxford and Cambridge;

and any Sum or Sums of Money not exceeding Two thousand and six Pounds, to defray the Charge of Salaries and Allowances to certain Professors in the Universities of Oxford and Cambridge, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

3,875*l.* for London University,

and any Sum or Sums of Money not exceeding Three thousand eight hundred and seventy-five Pounds, towards defraying the Expenses of the University of London, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

7,710*l.* for Grants to Scottish Universities;

and any Sum or Sums of Money not exceeding Seven thousand seven hundred and ten Pounds, to pay Grants to Scottish Universities formerly defrayed from the Hereditary Revenues of the Crown, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

300*l.* for Royal Irish Academy,

and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal Irish Academy, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

300*l.* for Royal Hibernian Academy

and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal Hibernian Academy, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

2,600*l.* for Royal Belfast Academical Institution;

and any Sum or Sums of Money not exceeding Two thousand six hundred Pounds, to pay the Salaries of the Theological Professors at Belfast and Retired Allowances to Professors of the Belfast Academical

Academical Institution, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two thousand two hundred and fifty-nine Pounds, to defray the Expenses of the Queen's University in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifty-five thousand two hundred and twenty-five Pounds, to defray the Salaries and Expenses of the British Museum Establishment, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred and one thousand one hundred and forty-two Pounds, to defray the Expense of new Buildings and Fittings at the British Museum, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to enable the Trustees of the British Museum to defray Expenses incurred in procuring Antiquities for the Museum; and any Sum or Sums of Money not exceeding Seven thousand four hundred and ninety Pounds, to defray the Expenses of the National Gallery, including the Purchase of Pictures, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums or Money not exceeding Two thousand and twenty Pounds, to defray the Expense of Magnetic Observations abroad, including the Superintendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable the Royal Geographical Society to provide suitable Rooms in which to hold the Meetings of the Society and to exhibit their Maps to the Public, to the Thirty-first Day of March One thousand eight hundred and fifty-five.

2,259*l.* for Queen's University, Ireland;

55,225*l.* for Salaries and Expenses of British Museum;

101,142*l.* for new Buildings, &c., at British Museum;

1,500*l.* for Antiquities for British Museum;

7,490*l.* for National Gallery;

2,020*l.* for Magnetic Observatories, &c.;

500*l.* for Royal Geographical Society.

CIVIL SERVICES.—Class 5.

CIVIL SERVICE *Class 5.*

XXI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four thousand and forty-nine Pounds, towards defraying the Charge of the Civil Establishment of the Bermudas, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seven thousand five hundred and forty-seven Pounds, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Nine thousand four hundred and thirty-eight Pounds, to defray the Charge of the Indian Department in Canada, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-two thousand nine hundred and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others

There shall be issued 4,049*l.* for Civil Establishment of the Bermudas;

7,547*l.* for Ecclesiastical Establishment, British N. A. Provinces;

9,438*l.* for Indian Department in Canada;

22,928*l.* for Salaries of Governors, &c. of West India Colonies and Prince Edward's Island;

others in the West India Colonies and Prince Edward Island, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-eight thousand eight hundred and seventy-five Pounds, to defray the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the West India Colonies and the Mauritius, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fourteen thousand one hundred and ten Pounds, towards defraying the Charge of the Civil Establishments on the Western Coast of Africa, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Eleven thousand two hundred and seventy-six Pounds, to defray Charges connected with the Island of Saint Helena, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two thousand three hundred and eighty-three Pounds, towards defraying the Charge of Western Australia, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Nine hundred and seventy-six Pounds, towards defraying the Charge of Heligoland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Three thousand and twenty-three Pounds, towards defraying the Charge of the Falkland Islands, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Four thousand four hundred Pounds, towards defraying the Charge of Hong Kong, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Charge of Labuan, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Sixteen thousand eight hundred and forty Pounds, to defray the Charge of the Colonial Land and Emigration Board, and of the Emigration Officers at the different Ports of this Kingdom, also to defray certain Expenses in the Colonies connected with Emigration, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-five, Expenses incurred for the Support of captured Negroes and liberated Africans, and other Charges under the Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding Eleven thousand two hundred and fifty Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-five, the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not

28,875*l.* for Salaries, &c. of Stipendiary Justices in W. I. Colonies and the Mauritius,

14,110*l.* for Civil Establishments on the Western Coast of Africa;

11,276*l.* for St. Helena,

2,383*l.* for Western Australia;

976*l.* for Heligoland;

3,023*l.* for Falkland Islands,

4,400*l.* for British Settlement at Hong Kong,

1,000*l.* for Labuan;

16,840*l.* for Colonial Land and Emigration Board, &c.;

20,000*l.* for Support of captured Negroes, &c.,

11,250*l.* for Commissions for suppressing the Slave Trade

156,865*l.* for the Consular Establishments abroad;

not exceeding One hundred fifty-six thousand eight hundred and sixty-five Pounds, to defray the Expense of the Consular Establishments abroad, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Eighteen thousand five hundred Pounds, for the Extraordinary Disbursements of Her Majesty's Missions abroad, to the Thirty-first Day of March One thousand eight hundred and fifty-five.

18,500*l.* for Missions abroad.

CIVIL SERVICES.—Class No. 6.

CIVIL SERVICES, *Class 6.*

XXII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thirty-five thousand seven hundred and seventy-two Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two thousand five hundred and sixty-one Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of March One thousand eight hundred and fifty-five, to Toulonese and Corsican Emigrants, St. Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Two thousand two hundred and ten Pounds, to defray the Expense of the National Vaccine Establishment, in the Year One thousand eight hundred and fifty-four; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards the Support of "The Refuge for the Destitute," in the Year One thousand eight hundred and fifty-four; and any Sum or Sums of Money not exceeding Four thousand two hundred Pounds, for Payment of the Subsistence of the Polish Refugees, and Allowances to distressed Spaniards, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Four thousand four hundred and sixty-nine Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-five, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding One thousand three hundred and fifty-two Pounds, to defray the Expense of the Foundling Hospital Department of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Eleven thousand eight hundred and fifty-nine Pounds, towards defraying the Expense of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Female Orphan House, Dublin, to the Thirty-first Day

There shall be issued 135,772*l.* for Superannuations, &c. to Public Officers;

2,561*l.* for Toulonese and Corsican Emigrants, &c.;

2,210*l.* for National Vaccine Institution;

325*l.* for Refuge for Destitute;

4,200*l.* for Polish Refugees, &c.;

4,469*l.* to pay Miscellaneous Allowances;

1,352*l.* for Foundling Hospital Department, House of Industry, Dublin;

11,859*l.* for House of Industry, Dublin;

500*l.* for Female Orphan House, Dublin;

1,215*l.* for Westmoreland Lock Hospital, Dublin;

500*l.* for Lying-in Hospital, Dublin,

795*l.* for Dr. Stevens' Hospital, Dublin;

1,900*l.* for House of Recovery, &c., Dublin;

250*l.* for Hospital for Incurables, Dublin;

38,745*l.* for Protestant Dissenting Ministers, Ireland;

6,426*l.* for Charitable Allowances, &c., Ire-

Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One thousand two hundred and fifteen Pounds, towards defraying the Expense of the Westmoreland Lock Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seven hundred and ninety-five Pounds, towards defraying the Expense of Doctor Steevens' Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One thousand nine hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, Cork Street, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Two hundred and fifty Pounds, towards defraying the Expense of the Hospital for Incurables, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirty-eight thousand seven hundred and forty-five Pounds, to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Six thousand four hundred and twenty-six Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-five, Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil Contingencies, &c.

Civil Services, *Classes 7 and 8.*

There shall be issued 13,930*l.* for Incumbered Estates Commission, Ireland;

15,000*l.* for Charity Commission for England and Wales;

7,550*l.* for Statute Law Commission;

900*l.* for Commission for Publication of Ancient Laws of Ireland

Civil Services.—Classes 7 and 8.

XXIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirteen thousand nine hundred and thirty Pounds, to defray the Charge of the Salaries and Expenses of the Incumbered Estates Commission, Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Charge of the Salaries and Expenses of the Charity Commission for England and Wales, to the Thirty-first Day of March One thousand eight hundred and fifty-five and any Sum or Sums of Money not exceeding Seven thousand five hundred and fifty Pounds, to defray the Charge of the Salaries and Expenses of the Commission appointed for consolidating and digesting the Statute Law, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Nine hundred Pounds, to defray the Expense of the Com-

mission appointed to superintend the Publication of the Ancient Laws and Institutes of Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-three thousand seven hundred Pounds, to defray the Fees, Salaries, and Compensations payable under the Provisions of the Patent Law Amendment Act, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seventy-eight thousand eight hundred and fifteen Pounds, to defray the Charge for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-five thousand five hundred Pounds, towards defraying the Expense of forming a Park at Battersea, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, towards defraying, to the Thirty-first Day of March One thousand eight hundred and fifty-five, the Expense of constructing an Embankment and public Roadway between Battersea and Vauxhall Bridges, and an Approach from Sloane Street to Chelsea Bridge; and any Sum or Sums of Money not exceeding Three thousand three hundred and ninety-three Pounds, to defray the Charge of Works, Repairs, Furniture, &c., at the British Ambassador's House at Paris, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Ten thousand nine hundred Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five, the Expense of erecting and maintaining certain Lighthouses abroad; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, towards building a Museum on the Premises of the Royal Dublin Society, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Twenty-seven thousand five hundred Pounds, for the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five, towards the Purchase by the Commissioners for the Exhibition of One thousand eight hundred and fifty-one, of certain additional Lands at Kensington Gore, necessary for the Purpose of the New National Gallery and other Institutions connected with Science and the Arts; and any Sum or Sums of Money, not exceeding Five thousand Pounds, for the Purpose of carrying out, under Government Superintendence, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five, the Expedition projected by the Royal Geographical Society for the Exploration of Australia; and any Sum or Sums of Money, not exceeding

23,700*l.* for Compensations &c payable under the Patent Law Amendment Act;

78,815*l.* for Pensions to Masters and Seamen, &c under the Merchant Seamen's Fund Act;

25,500*l.* for Battersea Park;

35,000*l.* for Embankment, &c. between Battersea and Vauxhall Bridges, &c;

3,393*l.* for British Ambassador's House at Paris;

10,900*l.* for Lighthouses abroad;

2,500*l.* for building a Museum for the Royal Dublin Society;

27,500*l.* for Purchase of additional Lands at Kensington Gore;

5,000*l* for Expedition for the Exploration of Australia;

2,800*l.* for Medical Staff sent to West India Islands, &c.,

exceeding Two thousand eight hundred Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-five, Expenses incurred in connexion with the Medical Staff despatched to Jamaica and other West India Islands, and for the Relief of Distress arising from Cholera and Yellow Fever in those Islands; and any

25,000*l.* for Claims upon Suitors Fund of Court of Admiralty;

Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to enable the Registrar of the High Court of Admiralty to discharge legal Claims upon the Suitors Fund of the said Court, in the Year ending the Thirty-first Day of March One thousand eight hundred

45,000*l.* for Claims respecting the Orange River Territory,

and fifty-five; and any Sum or Sums of Money not exceeding Forty-five thousand Pounds, for the Settlement of pecuniary Claims arising out of the Arrangements with regard to the future Government of the Orange River Territory, to the Thirty-first Day of March One thou-

140,000*l.* for Purchase of Burlington House and Grounds, Piccadilly,

sand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One hundred and forty thousand Pounds, for the Purchase of Burlington House and Grounds, Piccadilly, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty five;

10,000*l.* for new Consular Offices, &c. at Constantinople

and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards defraying the Expense of erecting new Consular Offices, a British Seamen's Hospital, and a Prison at Constantinople, to the Thirty-first Day of March One thousand eight hundred and fifty-five;

2,055*l.* for re-instating Chapel at the Embassy, Constantinople,

and any Sum or Sums of Money not exceeding Two thousand and fifty five Pounds, for re-instating the Chapel at the Embassy, Constantinople, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding

1,400*l.* for British Protestant Cemetery at Madrid,

One thousand four hundred Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five, the Expense of erecting an Inclosure Wall and Entrance Gateway and the necessary Buildings for a British Protestant Cemetery at

2,500*l.* for Repair of Royal Monuments in Westminster Abbey;

Madrid; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, for the Repair of the Royal Monuments in Westminster Abbey, in the Year ending the Thirty-first Day of

1,000*l.* for Repair of Statue of Charles I. at Charing Cross,

March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One thousand Pounds, for restoring the Pedestal and repairing the Statue of King Charles the First at Charing Cross, in the Year ending the Thirty-first Day of March

13,000*l.* for Cost of collecting Agricultural Statistics,

One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, to defray the Cost of collecting Agricultural Statistics in the United Kingdom, to the Thirty-first Day of March One thousand eight hundred and

6,000*l.* for Repair of Breach in Spurn Point,

fifty-five; and any Sum or Sums of Money not exceeding Six thousand Pounds, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five, to complete the Repair of the Breach made

12,055*l.* for General Board of Health,

by the Sea in Spurn Point, River Humber; and any Sum or Sums of Money not exceeding Twelve thousand and fifty-five Pounds, to defray the

the Expense of the General Board of Health in the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Seventeen thousand three hundred Pounds, to pay the Salaries and other Expenses in the Department of Her Majesty's Secretary of State for War, from the Twelfth Day of June One thousand eight hundred and fifty-four to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Sixteen thousand eight hundred and eighty-nine Pounds, for the Purpose of carrying into effect, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five, an Arrangement for the Exchange of the Office in Somerset House of the Duchy of Cornwall for an Office to be erected at Pimlico on the Hereditary Possessions of the Crown; and any Sum or Sums of Money not exceeding Two thousand two hundred and seventy-three Pounds, to defray the Salaries and Expenses of the Office for the Registration of Joint Stock Companies at the Board of Trade, to the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, for Expenses to be incurred for the Management of the British Department of the Universal Exhibition at Paris, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five.

Class 8.

17,300*l.* for Department of Secret of State for War;

16,889*l.* for effecting an Exchange of the Office of the Duchy of Cornwall,

2,273*l.* for Office for Registration of Joint Stock Companies at Board of Trade;

50,000*l.* for British Department of the Universal Exhibition at Paris.

Revenue Departments.

XXIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight hundred forty thousand seven hundred and eighty-five Pounds, to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Four hundred seventy-nine thousand three hundred and twenty Pounds, to defray the Salaries and Expenses of the Coast Guard, including Revenue Cruisers, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One million one hundred fifty-four thousand five hundred and ninety-four Pounds, to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding Fifty-two thousand seven hundred and sixty-nine Pounds, to defray the Salaries and Expenses of the Revenue Police, Ireland, and "Seamew Steamer," which will come in course of Payment during the Year ending

There shall be issued 840,785*l.* for Customs Department;

479,320*l.* for the Coast Guard, &c.;

1,154,594*l.* for Inland Revenue Department;

52,769*l.* for Revenue Police, Ireland, and "Seamew Steamer;"

ending the Thirty-first Day of March One thousand eight hundred and fifty-five; and any Sum or Sums of Money not exceeding One million five hundred twenty-five thousand three hundred and thirty-five Pounds, to defray the Charges for Post Office Services and the Collection of the Revenue, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five.

1,525,335*l.* for Post Office Services and Collection of the Revenue.

DEPARTMENTS FROM CONSOLIDATED FUND, &c.

There shall be issued 149,859*l.* for Expenses of Departments heretofore charged on Consolidated Fund or Public Revenue;

849,402*l.* for legal Expenses ditto;

109,694*l.* for miscellaneous Charges ditto.

XXV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred forty-nine thousand eight hundred and fifty-nine Pounds, to defray, in the Year ending on the Thirty-first Day of May One thousand eight hundred and fifty-five, Salaries, Allowances, and Expenses of Departments (other than legal Departments) heretofore charged on the Consolidated Fund; and any Sum or Sums of Money not exceeding Eight hundred forty-nine thousand four hundred and two Pounds, to defray, in the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five, Salaries and Expenses of Law Courts and Charges of a legal Nature, heretofore charged on the Consolidated Fund or payable out of the Public Revenues; and any Sum or Sums of Money not exceeding One hundred and nine thousand six hundred and thirty-four Pounds, to defray, in the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-five, certain miscellaneous Charges heretofore charged on the Consolidated Fund or payable out of the Public Revenues.

Supplies to be applied only for the Purposes aforesaid.

XXVI. The said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses, Intents, and Purposes before mentioned, or for the other Payments, Appropriation, or Application directed to be made or satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted.

XXVII. The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy, Army, and Ordnance Services shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Twelve millions eight hundred seventy-four thousand five hundred and five Pounds for Naval Services, in the Sum of Eight millions eight hundred ten thousand and fifty-nine Pounds for Army Services, and in the Sum of Four millions five hundred eighty-three thousand seven hundred and one Pounds for Ordnance Services: Provided always, that if the

Treasury may, on Application,

the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the aggregate Sum granted by this Act for Naval Services, for Army Services, or for Ordnance Services, the Department in which such Necessity shall have arisen shall represent the Circumstances which may have led to it in Writing to the Commissioners of Her Majesty's Treasury; and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Twelve millions eight hundred seventy-four thousand five hundred and five Pounds granted by this Act for Naval Services, of Eight millions eight hundred ten thousand and fifty-nine Pounds for Army Services, or of Four millions five hundred eighty-three thousand seven hundred and one Pounds for Ordnance Services, shall not be exceeded.

alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXVIII. And as to the Sum of Three hundred and fifty-six thousand Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half

Rules to be observed in the Application of the Sum appropriated to Half Pay.

Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases, unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of December One thousand eight hundred and fifty-four, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of June One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and the Board of Ordnance, who shall,

shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any Half Pay, together with any Pay in the General or Local Militia or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and fifty-five it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or under any other Government, since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament shall be then sitting, or, if Parliament shall not then be sitting, on the First Day of the sitting of Parliament after the First Day of April, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXIX. It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXX. And

Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified.

16 & 17 Vict. c. 110.

XXX. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Sixteenth and Seventeenth Years of Her present Majesty, intituled "An Act to apply a "Sum out of the Consolidated Fund and the Surplus of Ways and "Means to the Service of the Year One thousand eight hundred and "fifty-three, and to appropriate the Supplies granted in this Session of "Parliament," has been issued without requiring by Persons issuing or paying, and without the taking by the Persons receiving, Half Pay, the Oaths or Declarations prescribed to be taken by Officers claiming Half Pay, and Part of the said Monies has been paid to Officers claiming or entitled to Half Pay who at the same Time held and may still hold the Situations of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in Great Britain or Ireland, and it is expedient that all such Persons should be indemnified: Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths or Declarations, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings in respect of anything done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of such Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Uses heretofore established or observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations, and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully indemnified, and shall be and are hereby fully discharged and exonerated, in respect thereof in all Accounts relating to such Issues and Payments, anything in any Act or Acts, or any Laws, Rules, or Regulations, to the contrary notwithstanding.

Half Pay allowed to Officers of the Manx Fencibles.

XXXI. And whereas the Royal Regiment of Manx Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps, but

but no Provision has been made by Parliament for Payment of such Half Pay, and it is therefore expedient that Provision should be now made for the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of Manx Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon making and subscribing a Declaration before any Person hereby authorized to administer a Declaration to Persons for the Purpose of receiving Half Pay, that they had not in any Year or Time for which such Arrear is claimed any Office or Employment of Profit, Civil or Military, under Her Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of Manx Fencibles, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXXII. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Surplus of Sum by 16 & 17 Vict. c. 110, appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.

XXXIII. And whereas by the said recited Act passed in the Sixteenth and Seventeenth Years of Her present Majesty the several Supplies which had been granted to Her Majesty as therein mentioned were appropriated to the several Uses and Purposes therein expressed, amongst

amongst which any Sum or Sums of Money, not exceeding Three hundred and fifty-eight thousand Pounds in the whole, was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and fifty-three, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, That so much of the Sum of Three hundred and fifty-eight thousand Pounds as is or shall be more than sufficient to satisfy the said reduced Officers according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as by reason of their long Service or otherwise Her Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants under Her Majesty's Royal Sign Manual as shall be signed in that Behalf, anything in this Act or the said Act to the contrary notwithstanding.

Widows, &c., claiming Pensions to make required Declaration.

XXXIV. And as to the Sum of One hundred fifteen thousand eight hundred and eighty-nine Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces as aforesaid, and as to the Sum of Seventy-five thousand five hundred Pounds by this Act appropriated for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and of Pensions to Officers for Wounds as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

XXXV. Any such Declaration shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXXII.

An Act for the further Alteration and Amendment of the Laws and Duties of Customs.

[12th *August* 1854.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instead of all other Duties and Drawbacks of Customs there shall be paid and allowed the Duties and Drawbacks specified in Tables annexed.

Duties in Table to be levied on Goods imported into Isle of Man.

Free Goods.

I. On and after the Eighth Day of *August* One thousand eight hundred and fifty-four, in lieu and instead of all other Duties and Drawbacks of Customs, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods imported into or exported from any Part of *Great Britain* and *Ireland*, the several Duties of Customs, and there shall be allowed the several Drawbacks, as the same are respectively inserted, described, and set forth in Table (A.) to this Act annexed; and in lieu of all Duties of Customs now payable by Law upon the Importation of Goods into the *Isle of Man*, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in Table (B.) to this Act annexed; and all the Goods described as free in the said Table (A.) shall be exempt from Duty on the Importation thereof into *Great Britain* and *Ireland*, and those described as free in the said

Table B. shall be exempt from Duty on the Importation thereof into the *Isle of Man*.

Goods not reported may be detained till Requisites complied with.

II. Goods not duly reported may be detained by any Officer or Officers of Customs until the same are so reported, and the Cause of the Omission explained to the Satisfaction of the Commissioners of Customs, who may thereupon restore the same on such Terms as they may deem proper; and such Goods may in the meantime, should the said Commissioners deem necessary, be removed to the Queen's Warehouse.

Extension of Time for perfecting Sight Entries.

III. The Time prescribed by the Sixty-fourth Section of "The Customs Consolidation Act, 1853," for perfecting Entries by Bill of Sight, may be extended at the Discretion of the Commissioners of Customs.

Commissioners of Customs to permit special Entries in particular Cases.

IV. The Commissioners of Customs may permit the Entries of Goods in such Form and Manner and on such Conditions as they may direct to meet the Exigencies of any Case to which the general Laws and Regulations may not be strictly applicable.

Entries of Arms, &c. to contain the Number and Description of the Articles.

V. On the Entry of Arms and Ammunition of War, whether for Home Use, Exportation, or in Transit, the Number of Articles of each Description, as denominated in Table A. to this Act, shall be stated in the Import, Export, or Transit Entry, as the Case may be.

Goods not worth the Duty and Charges in Queen's Warehouse may be destroyed.

VI. All Goods deposited in the Queen's Warehouse, and not duly cleared therefrom within Three Calendar Months, if the same cannot be sold for a Sum sufficient to pay the Duties and Charges if offered for Sale for Home Consumption, or the Charges if offered for Sale for Exportation, may be destroyed by Direction of the Commissioners of Customs.

The re-weighing, re-gauging, &c., of Goods on quintennial re-warehousing, may in certain Cases be dispensed with.

VII. On the re-warehousing in the Name of the Proprietor of Goods, either by himself or by the Warehousekeeper, after the Expiration of Five Years from the last preceding warehousing or re-warehousing thereof under Sections One hundred and three and One hundred and four of "The Customs Consolidation Act, 1853," the Commissioners of Customs may (first being satisfied that the same are in the Warehouse, that the Packages are entire, and that there is no Ground to suspect that there is any undue Deficiency therein,) dispense with the re-weighing, re-gauging, or re-measuring and strict Examination thereof, if they be such as are liable on Delivery to the Payment of Duty according to the landing Weight, Measure, or Quantity thereof, and also at the Request of the Warehousekeeper or Proprietor of the Warehouse may (first being satisfied as aforesaid) dispense with the re-weighing, re-gauging, re-measuring, or strict Examination

Examination on such re-warehousing as aforesaid, of Goods being Wines or other Goods the Duties whereon are payable at the Delivery, Weight, Measure, or Quantity, and which may be liable to Injury by such re-weighing, re-gauging, re-measuring, or strict Examination; but in either of these Cases the Warehousekeeper or Proprietor of such Warehouse shall be liable at the Time of Delivery of such Goods to pay the Duties due on any Deficiency therein not allowed by Law which may then be found to exist, instead of being called upon to make good any Deficiencies which might have been found to exist had such re-weighing, re-gauging, re-measuring, or Examination been resorted to at the Time of such re-warehousing.

Ships with Cargo to clear.

VIII. If any Ship having Cargo on board shall depart from any Port without being duly cleared, the Master shall forfeit the Sum of One hundred Pounds.

Tobacco may be legally imported in Packages of 80lbs. Weight.

IX. Nothing in the Customs Consolidation Act, 1853, shall extend to render any Ship of One hundred and twenty Tons Burden or upwards liable to Forfeiture on account of any Tobacco, Cigars, or Snuff imported in such Ships into the United Kingdom in Packages each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, nor to render any Tobacco, Cigars, or Snuff liable to Forfeiture by reason of its being imported in such Packages, nor to render any such Ship or any Tobacco, Cigars, or Snuff so imported liable to Forfeiture under the Two hundred and twelfth Section of the said Act.

Prohibited Goods not to be shipped from the Channel Islands to the United Kingdom.

X. *If in the Channel Islands any Goods, the Importation whereof* into the United Kingdom is prohibited or restricted, shall be shipped or brought to any Wharf, Quay, or other Place in, or be waterborne to be shipped on board any Ship clearing or departing from those Islands to the United Kingdom, such Goods shall be forfeited, and any Person who shall so ship, bring, or waterbear to be shipped any such Goods, or be otherwise knowingly concerned therein, shall forfeit the Sum of One hundred Pounds or Treble the Value of the Goods, at the Election of the Commissioners of Customs.

To place the Bay Islands on the same footing as the Bermudas.

XI. The Islands in the *Bay of Honduras*, called the *Bay Islands*, shall be deemed and taken to be excepted or excluded from the Operation of the One hundred and fifty-ninth Section of the "Customs Consolidation Act, 1853," to the same Extent as the *Bahamas* or *Bermuda Islands* are thereby excepted or excluded.

British and Irish Spirits prohibited to be brought from the Isle of Man.

XII. *British* or *Irish* Spirits may be exported from *Great Britain* or *Ireland* to Parts beyond the Seas, or be removed to the *Isle of Man*, in Casks of the Content of Ten Gallons each at the least, but no *British* or *Irish* Spirits shall be removed or exported from the *Isle of Man*

Man to any other Part of the United Kingdom, under pain of Forfeiture thereof.

Count for harbouring, &c. smuggled Goods.

XIII. The Words "otherwise dealing with certain prohibited, restricted, or uncustomed Goods" in Count Sixteen of Schedule B. to "The Customs Consolidation Act, 1853," shall be deemed to apply to and include the harbouring or having Possession, as the Case may be, of any such Goods, and it shall not be necessary to prove that the Party charged was concerned in the unshipping thereof.

Defendant's Option of removing a Case from the magisterial to the Superior Court to be exercised before the Hearing commences.

XIV. The Option given to a Defendant by Section Two hundred and sixty-four of "The Customs Consolidation Act, 1853," of removing any Proceedings against himself before any Justice to a Superior Court, shall not be exercised after the Commencement of the Trial thereof before such Justice.

14 & 15 Vict. c. 99. not to extend to Revenue Cases.

XV. The Second Section of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine, shall not be deemed to apply to any Prosecution, Suit, or other Proceeding, in respect of any Offence, or for the Recovery of any Penalties or Forfeitures, under any Law now or hereafter to be made, relating to the Customs or Inland Revenue.

Provision as to Importation of Tobacco, &c. into Channel Islands.

XVI. Section One hundred and ninety-three of "The Customs Consolidation Act, 1853," is hereby repealed, but no Tobacco, Cigars, or Snuff shall be imported into the Channel Islands, nor be carried from any one of the said Islands to another of them, or from one Part of any of the said Islands to another Part of the same, unless in Ships of not less Burden than Fifty Tons, except from the United Kingdom in Ships of not less than Forty Tons Burden regularly trading from thence to those Islands, nor unless in Packages each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, nor unless the Provisions in and under which the like Sort of Goods may be legally imported into the United Kingdom are complied with; and all Cigars, Tobacco, or Snuff imported into the said Islands, or carried, shipped, or removed, contrary hereto, or which shall be found or discovered to have been on board any Ship or Boat within One League of the Coasts thereof, shall be forfeited, together with the Ship or Boat.

Exemption in Sect. 192. of "Customs Consolidation Act, 1853," to apply only where Spirits shipped, &c. in Vessels of not less than 50 Tons.

XVII. The Exemption contained in the Proviso of Section One hundred and ninety-two of "The Customs Consolidation Act, 1853," in respect of Spirits, shall only apply in Cases where such Spirits are shipped, removed, imported, exported, or carried Coastwise in Ships of not less Burden than Fifty Tons, as required by the foregoing Part of the said Section.

XVIII. Doubts

XVIII. Doubts having arisen as to the Meaning of the Prohibition in regard to Malt contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," the Term Malt shall be deemed to include all Malt, whether in Grain or in the Form of concentrated Extract or Essence, but shall not include any of the fermented Liquors made from Malt now specified in the Tariff.

Declaratory Explanation of Term "Malt."

XIX. So much of the One hundred and forty-second Section of "The Customs Consolidation Act, 1853," as requires a Duplicate Bill of Lading on the Shipment of Goods, and, within Fourteen Days after Clearance of the Ship, a List of such Goods, with the Quantities and Values thereof, is hereby repealed, except as to Shipments at the Port of *Liverpool*, with respect to which so much only of the said Section as requires the Values of the Goods to be stated in such List is hereby repealed; but if the Exporter shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof where required, of the Goods exported by him as prescribed by the said Act, he shall forfeit the Sum of Twenty Pounds.

Dispensation of Shipping Documents Outwards.

XX. The *Isle of Man* shall be deemed and taken to be Part of the United Kingdom for the Purposes of this or any other Act relating to the Customs, save as to the Rates of Duties and Drawbacks charged or allowed.

Isle of Man Part of United Kingdom for Customs Purposes.

XXI. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section.

Interpretation Clause.

TABLE A.

Duties applicable to Great Britain and Ireland.

	£	s.	d.
Arms, viz.:			
Swords, Cutlasses, Matchetts, Bayonets, Gun Locks, Cannon or Mortars of Iron not mounted nor accompanied with Carriages - - - - - the Cwt	0	2	6
Cannon or Mortars of Brass not mounted nor accompanied with Carriages - - - - the Cwt.	0	10	0
Cannon or Mortars mounted or accompanied with Carriages, and other Fire-arms, viz., Muskets, Rifles, Carbines, Fowling Pieces, or Guns of any other Sorts not enumerated, and Pistols - - for every 100*l.* Value thereof	10	0	0
Ammunition, viz.:			
Shot, large and small, of Lead - - - the Cwt.	0	2	0
" " of Iron - - - "	0	2	6
Rockets and other Combustibles, for Purposes of War, and not otherwise enumerated or described for every 100*l.* Value thereof	10	0	0
Baskets - - - - - the Cubic Foot	0	0	4
Boxes, viz.—Brass - - - - - the Cwt.	1	10	0
Not otherwise charged with Duty - for every 100*l.* Value	10	0	0
Buttons and Studs of Metal - - - - -		free.	
" " - other Sorts - - - -		free.	
Cherries, dried - - - - - the lb.	0	0	2
Comfits, dry - - - - - - the lb.	0	0	2
Confectionery - - - - - - the lb.	0	0	2
Eggs - the Cubic Foot of the Package, internal Measurement	0	0	8
Of and from British Possessions the Cubic Foot of the Package, internal Measurement	0	0	4
Embroidery on Silk, or Silk mixed with other Materials, not being Silk Net - - - - for every 100*l.* Value	15	0	0
Of and from British Possessions - for every 100*l.* Value	5	0	0
Ginger - - - - - the Cwt.	0	5	0
Glass—Plate Glass, cast or rolled, of whatever Thickness, whether silvered, polished, or rough, and silvered Glass not otherwise enumerated - - - - - - -		free.	
Gongs - - - - - - the Cwt.	1	0	0
Hops—until the 1st August 1855 - - - the Cwt.	1	0	0
From and after that Date - - - the Cwt.	2	5	0
Japanned or Lacquered Ware - - - - the Cwt.	1	0	0
Iron, Manufactures of, coated with Brass or Copper by any galvanic Process - - - - - the Cwt.	0	3	6
Lucifers, of Wood the Cubic Foot of the external Package, measured internally	0	0	4
Marmalade - - - - - - - the lb.	0	0	2
Musical Instruments, viz.: Harmoniums and Seraphines - each	1	5	0
Concertinas, all Sorts - the 100 Notes	0	5	0
Oil Cloth - - - - - the Square Yard	0	0	1½

Customs.

		£	s.	d.
Opera Glasses, viz. :—				
Single	each	0	1	0
Double, and all Marine and Race Glasses, not being Telescopes	each	0	2	6
Paper, viz :—Printed, Painted, or Stained Paper Hangings, or Flock Paper	the lb.	0	0	3
Platting, viz :—of Chip, not being of greater Value than Sixpence per Piece of Sixty Yards	the lb.	0	0	6
Willow Squares	the Cwt.	0	10	0
Plums preserved in Sugar	the lb.	0	0	2
Silks, viz :—Corahs, Choppas, Bandannas, Tussore Cloth, Romals and Taffaties, viz. :				
In Pieces not exceeding 6¼ Yards in Length	the Piece	0	0	6
In Pieces exceeding 6¼ Yards and not exceeding 7¼ Yards in Length	the Piece	0	0	8
In Pieces exceeding 7¼ Yards, and not exceeding 12 Yards in Length	the Piece	0	0	10
China Crape Shawls, Scarfs, Handkerchiefs, and Pieces—				
Plain and Damask	the lb.	0	3	0
Embroidered	the lb.	0	5	0
Manufactures of Silk, or of Silk mixed with Metal or any other Material, the Produce of Europe, viz.				
Ribbons of Velvet or Plush, wholly of Silk or of Silk mixed with Cotton, not exceeding Nine Inches in width —Plain or embossed by Depression, without Satin or Fancy Edge	the lb.	0	7	0
Figured, brocaded, striped, or spotted, or with Satin or Fancy Edge, and Silk Ribbons in any way mixed or ornamented with Velvet or Plush,	the lb.	0	10	0
Manufactures of Silk, or of Silk mixed with any other Material called Plush, not being Ribbons	the lb.	0	3	0
Articles thereof	the lb.	0	3	6
Spirits, viz :—				
Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer; for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon	the Gallon	0	15	0
Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4th Vict. Cap. 8. have or shall have been fulfilled, if imported—				
Into England	the Gallon	0	8	2
Into Scotland	the Gallon	0	6	0
Into Ireland	the Gallon	0	4	4
And further, if imported into Scotland as imposed by the Act 17th & 18th Vict. Cap. 29.	the Gallon	0	0	4

Customs.

		£	s.	d.
Spirits—*continued.*				
Rum Shrub, Cordials, and Liqueurs of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid, if imported—				
Into England	the Gallon	0	8	2
Into Scotland	the Gallon	0	6	0
Into Ireland	the Gallon	0	4	4
And further, if imported into Scotland, as imposed by the Act 17th & 18th Vict. Cap. 29.	the Gallon	0	0	4
Other Spirits and Strong Waters being sweetened or mixed so that the Degree of Strength cannot be ascertained as aforesaid	the Gallon	1	0	0
Stays or Corsets, of Linen or of Cotton, or of Linen and Cotton mixed	the Doz. Pairs	0	2	0
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated	the lb.	0	0	2
Sulphate of Potash		free.		
Vinegar	the Gallon	0	0	4½
Yarn, Woollen		free.		
Worsted for Fancy Purposes, of Two or more Threads, not being fit for Embroidery	the lb.	0	0	3

A Drawback shall be allowed on all Roasted Coffee exported as Ships' Stores, or removed to the Isle of Man for Consumption therein, equal in Amount to the Import Duty chargeable on Raw Coffee; and on Tobacco manufactured in the United Kingdom, made into Cut, Shag, Roll, or Carrot Tobacco, or Cigars, such Cigars, when exported as Merchandise, being packed in Cases containing not less than Eighty Pounds net Weight, a Drawback shall be allowed on Exportation or Shipment as Stores—the lb. 2*s.* 7½*d.*, and 5 per Cent. thereon.

TABLE B.

Duties applicable to the Isle of Man.

Spirits, viz.:		£	s	d.
Rum Shrub of the British Possessions	the Gallon	0	3	8
Rum and other Spirits of the British Possessions, not being sweetened or mixed Spirits or Liqueurs, Cordials, or perfumed Spirits, for every Gallon of the Strength of Proof by Sykes's Hydrometer, and so on in proportion for any greater or less Strength than the Strength of Proof, or for any greater or less Quantity than a Gallon	the Gallon	0	3	8
Liqueurs, Cordials, mixed, sweetened, and perfumed Spirits	the Gallon	0	10	0
Of the British Possessions	the Gallon	0	5	0

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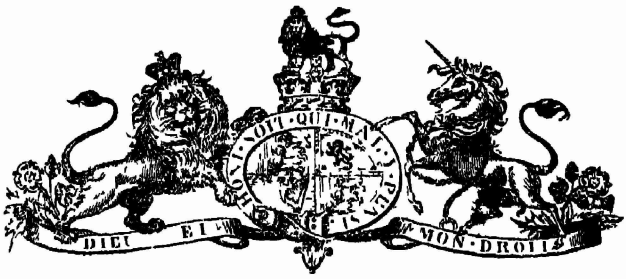

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXXIII.

An Act to render any Dealing with Securities issued during the present War between *Russia* and *England* by the *Russian* Government a Misdemeanor. [12th *August* 1854.]

WHEREAS it is expedient to prevent as much as possible the *Russian* Government from raising Funds for the Purpose of prosecuting the War which it at present carries on against this Country: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Prohibiting the Dealing in Russian Stocks, &c.

I. If, during the Continuance of Hostilities between Her Majesty and the Emperor of *Russia*, any Person within Her Majesty's Dominions, or any *British* Subject in any Foreign Country, shall wilfully or knowingly take, acquire, become possessed of, or interested in any Stocks, Funds, Scrip, Bonds, Debentures, or Securities for Money which, since the Twenty-ninth Day of *March* One thousand eight hundred and fifty-four, have or hath been, or which, during the Continuance of Hostilities as aforesaid, shall be, created, entered into, or secured by or in the Name of the Government of *Russia*, or any Person or Persons on its Behalf, every Person so taking, acquiring,

 becoming

becoming possessed of, or interested in any such Stocks, Funds, Scrip, Bonds, or Debentures as aforesaid shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable with Fine or Imprisonment: Provided always, that the Provisions of this Act shall not extend to or include the Case of any such Person or Subject claiming an Interest in the Estate or Effects of any deceased Person, or the Case of any such Person or Subject taking the Estate or Effects of his Debtor in Execution, or the Case of any such Person or Subject claiming in any Country to be interested under any Bankruptcy, Insolvency, Sequestration, Cessio Bonorum, or Disposition of Property in trust for Creditors, but that in every such Case the *British* Subject may take and receive any Stocks, Funds, Scrip, Bond, or Debentures, or any Share, Legacy, Dividend, Debt, or Sum of Money due or belonging to him, which may arise from or be produced by the Sale or Proceeds of any such Stocks, Funds, Scrip, Bonds, or Debentures as aforesaid; and provided also, that nothing herein contained shall be construed to include the Government Notes which are used as a circulating Medium in the *Russian* Dominions.

As to Trial of Offences committed beyond the Limits of United Kingdom.

II. All Offences against this Act committed beyond the Limits of the United Kingdom may be inquired of, tried, determined, and dealt with as if the same had been respectively committed within the Body of the County of *Middlesex*.

This Act not to affect the Law of Treason.

III. Nothing herein contained shall have the Effect of reducing to a Misdemeanor any such Offence which if this Act had not been passed would amount to the Crime of High Treason, or be deemed in any Manner to alter or affect the Law relating to High Treason; but no Person indicted for a Misdemeanor under this Act shall be entitled to an Acquittal on the Ground that the Acts proved against him amount in Law to the Crime of High Treason.

As to Payment of Costs of Prosecution

VI. On any Indictment for a Misdemeanor under this Act the Costs of the Prosecution shall be allowed as directed by the several Acts, Seventh *George* the Fourth, Chapter Sixty-four, and Fourteenth and Fifteenth *Victoria*, Chapter Fifty-five; and all the Provisions of the said Acts empowering Courts to order Payment of Costs and Expenses, and Compensation for Trouble and Loss of Time, in the Cases of the Misdemeanors in the said Acts mentioned, shall extend and be applicable to Indictments for Misdemeanor under this Act.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. CXXIV.

An Act to settle the Contribution to be made by certain Baronies in *Roscommon* and *Galway* and the County of the Town of *Galway* to the *Midland Great Western Railway of Ireland* Company. [12th *August* 1854.]

WHEREAS under the Act of the Twelfth and Thirteenth Years of Her present Majesty, Chapter Sixty-two, the Commissioners of Her Majesty's Treasury were empowered to charge the Consolidated Fund and to direct the Issue thereout to the Commissioners for the Reduction of the National Debt of a Sum not exceeding in the whole Five hundred thousand Pounds, and the last-mentioned Commissioners were thereby appointed Trustees for holding the Monies to be issued as aforesaid on a separate Account, under the Title of "The Commissioners for the "Reduction of the National Debt on account of the Public Works "Loan Fund," and it was provided that the said Commissioners of the Treasury should, if they thought fit, require the Public Works Loan Commissioners to advance to the *Midland Great Western* 12 & 13 Vict. c. 62.

Midland Great Western Railway of Ireland (Baronies Contributions).

Railway of Ireland Company any Sums of Money not exceeding in the whole Five hundred thousand Pounds, and the Repayment thereof, with Interest, as therein mentioned, not exceeding Three Pounds Ten Shillings *per Centum per Annum*, should be secured by such Mortgages as therein-after mentioned, and the said Railway Company were authorized to borrow of the said Public Works Loan Commissioners any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thousand Pounds, and to mortgage the Railways and Undertaking authorized by the Acts therein mentioned, and other the Effects of the Company; and it was by the said Act enacted, that if any Monies should be borrowed by the said Railway Company under the Provisions of that Act, then, so long as any Part whatever of the Principal Monies borrowed should remain unpaid, a Sum equal to One Pound Fifteen Shillings *per Centum* on the Sum or Sums originally borrowed should (subject as therein-after mentioned) be paid half-yearly to the said Railway Company by the Baronies therein mentioned in the County of *Roscommon*, and by all the several Baronies and Half Baronies in the County of *Galway*, and by the County of the Town of *Galway*, all in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, rateably and in the Proportions to be ascertained as therein-after mentioned; and it was thereby provided, that if, after the said Railway from *Athlone* to *Galway* should have been opened, there should be any Profit made by such Railway in any Half Year, then the Amount thereof should be deducted from the half-yearly Amount which would otherwise be payable by such Baronies and Half Baronies and County of the Town of *Galway*, and if such Profit should equal or exceed the Amount so to be paid, then no such Payment should be made; and that the Commissioners of the Treasury, during such Period as any Principal or Interest Monies should remain unpaid in respect of the Securities to be given to the said Public Works Loan Commissioners, should appoint a fit Person or Persons, not exceeding Three, to audit the Accounts of the said Railway Company, and to make Certificates, in pursuance of the Directions therein-after contained; and that for the Purpose of ascertaining the Amount of net Profits (if any) of the whole or any Portion of the said Railway from *Athlone* to *Galway*, the said Railway Company should, from Time to Time and at all Times, so long as any Principal Monies should remain unpaid in respect of any Securities aforesaid, keep the Accounts of the Receipts and Expenditure relating to the whole or any Portion of the Railway between *Athlone*

Midland Great Western Railway of Ireland (Baronies Contributions).

Athlone and *Galway*, and all Matters connected therewith, separate from all other Receipts and Expenditure by the said Railway Company; and that the said Company should, after any such Advances, and within One Calendar Month after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, render to the said Auditor or Auditors a distinct Account of all the Receipts and Expenditure for the then preceding Half Year of and relating to the said Railway from *Athlone* to *Galway*, and every Part thereof, which Account the said Auditor or Auditors should examine as therein is mentioned, and he or they should adjust and balance such Accounts relating to the said Railway from *Athlone* to *Galway*, and complete such Audit, for the Purpose of ascertaining whether during such preceding Half Year any Profit should have been made, and of preparing such Certificate as therein-after mentioned; and that such Auditor or Auditors should, on the Completion of every half-yearly Audit, and so long as any Monies advanced to the said Railway Company as aforesaid should remain unpaid, ascertain whether the said Railway Company had for the preceding Half Year made such half-yearly Payments as by virtue of the Security or Securities for any such Loan or Loans they should be liable to pay, and also, after the said Railway from *Athlone* to *Galway*, or any Part thereof, should have been completed and opened to the Public (from a Profit and Loss Account of the Income and Expenditure of the said Railway from *Athlone* to *Galway*), ascertain the Amount, if any, of Profit which should appear on such Account to have been made during such Half Year; and that when such Auditor or Auditors should find that the said Railway Company had made such Payments as aforesaid for the preceding Half Year, and not before, then he or they should, by a Certificate under his or their Hand or Hands, certify the same, and also the Amount of Profit, if any, appearing on such Account as aforesaid; and (after deducting such Profit, if any, from the Amount of the said half-yearly Payments of One Pound Fifteen Shillings *per Centum* secured to be paid by such Baronies and Half Baronies and County of the Town of *Galway* as aforesaid,) the said Auditor or Auditors should in such Certificate state the Balance remaining to be paid to make up such half-yearly Payments of One Pound Fifteen Shillings *per Centum* as aforesaid, and the proportionate Part of such Balance which was to be raised in each such Barony and Half Barony and County of the Town of *Galway*, such proportionate Parts to be ascertained as in the said Act mentioned; and it was enacted, that in taking and keeping the aforesaid

aforesaid Account of Profit and Loss no Payment by the said Railway Company to the said Public Works Loan Commissioners, nor any Receipts by the said Railway Company in respect of such half-yearly Payments of One Pound Fifteen Shillings *per Centum*, should be taken into account as Profit or Loss, but the same should solely contain the Amount of Income and Expenditure relating to the aforesaid Railway from *Athlone* to *Galway*, and when in any One Half Year the Amount of Profit should exceed the Sum which in case of no Profit would have been payable by such Baronies and Half Baronies and County of the Town of *Galway*, then, after deducting therefrom the Amount which would otherwise have been so payable, the Balance of any Profit remaining should be carried to the next half-yearly Account as Profit; and it was enacted, that the said Auditor or Auditors should, on the Request of the said Railway Company, and within One Calendar Month after the Date of every such Certificate, deliver the said Certificate and a Duplicate or Duplicates thereof to the said Company; and it was enacted, that the said Railway Company should from Time to Time deliver the said Certificate, or such Duplicate thereof as aforesaid, to the Secretary of the Grand Jury of each County or County of a Town in which any such Barony or Half Barony or County of a Town as aforesaid should be situate, and that the Monies according to such Certificate to be raised and levied off such respective Baronies or Half Baronies in each of the said Counties, or off such County of a Town, should be raised and levied accordingly, as therein is mentioned, and paid to the said Railway Company, as therein is mentioned: And whereas the Sum of Five hundred thousand Pounds was, by Four Instalments of One hundred thousand Pounds each, and Two of Fifty thousand Pounds each, by the Direction of the Commissioners of the Treasury advanced by the said Public Works Loan Commissioners to the said Railway Company, and the said Sums so advanced, with Interest thereon after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, were duly secured by certain Mortgage Securities, according to the Direction of the said Commissioners of the Treasury, and such Principal Sums are still unpaid: And whereas the said Railway from *Athlone* to *Galway* has been completed and opened for the Use of the Public, and the whole of the said Sum of Five hundred thousand Pounds so borrowed, together with a considerable further Sum of Money raised by the said Company, was expended by the said Company in the Construction of the said Railway and the Works connected therewith: And whereas Questions have arisen between the said Railway Company and the said

said Baronies or Half Baronies and County of the Town of *Galway*, so as aforesaid, and in such Events as aforesaid, liable to contribute to the Payment of Monies equal to the aforesaid Interest on the said Sum of Five hundred thousand Pounds so borrowed as aforesaid, as to the actual Amount of Monies which the said Company were authorized to expend in the Construction of the said Line of Railway; and inasmuch as it is apprehended that certain of the said Monies so expended, though beneficial generally to the Public and to the said Railway Company, may not have been in all Cases expended on Works by which the said Baronies or Half Baronies and County of the Town of *Galway* may be considered to derive direct Advantage, it is expedient, for preventing Litigation, and to ascertain and fix the precise Principal Sum in respect of which the said Baronies or Half Baronies and County of the Town of *Galway* are to contribute such half-yearly Sum as aforesaid, in such Events as aforesaid, and therefore the said Railway Company have agreed that the Sum expended by the said Company shall for the Purposes aforesaid, as from the First Day of *July* One thousand eight hundred and fifty-four, be taken at the Sum of Four hundred and seventy thousand Pounds, instead of the said Sum of Five hundred thousand Pounds so borrowed as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

The Sum of 470,000*l* to be considered and taken as that in respect of which the said Baronies, &c. are to contribute.

I. The Principal Sum in respect of which the said Baronies or Half Baronies and County of the Town of *Galway* are, under and by virtue of the Provisions of the said Act, liable to contribute as aforesaid, shall, as from the said First Day of *July* One thousand eight hundred and fifty-four, be taken at the Sum of Four hundred and seventy thousand Pounds, and the said Sum of Four hundred and seventy thousand Pounds shall, as from the said First Day of *July* One thousand eight hundred and fifty-four, be considered and taken by the Auditor or Auditors acting under the said Act as the Sum in respect of which the said Baronies or Half Baronies and County of the Town of *Galway* are to contribute such half-yearly Payments of One Pound Fifteen Shillings *per Centum* as aforesaid, instead of the Sum of Five hundred thousand Pounds; and that when and as Four hundred and seventy thousand Pounds, Part of the said Sum of Five hundred thousand Pounds so borrowed as aforesaid, shall have been paid, no further Contributions shall be made by the said Baronies or

Nothing to alter Liability of Company to pay the Money advanced by Commissioners.

Half Baronies and County of the Town of *Galway:* Provided always, that nothing in this Act contained shall be held to alter in any way the Liability of the said Railway Company to pay the whole or such Part of the Five hundred thousand Pounds advanced by the said Public Works Commissioners as shall remain unpaid, together with the Interest which shall from Time to Time accrue upon the same.

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ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

***

Vacation, by any Judge who might otherwise have presided at the Trial thereof by Jury, either with or without the Assistance of any other Judge or Judges of the same Court, or included in the same Commission at the Assizes; and the Verdict of such Judge or Judges shall be of the same Effect as the Verdict of a Jury, save that it shall not be questioned upon the Ground of being against the Weight of Evidence; and the Proceedings upon and after such Trial, as to the Power of the Court or Judge, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury.

Two Judges may sit at same Time for Trial of Causes pending in the same Court.

II. It shall be lawful for any One of the Judges of any of the Superior Courts at *Westminster*, at the Request of the Lord Chief Justice or Lord Chief Baron, to try the Causes entered for Trial at Nisi Prius in *Westminster* and *London* in either of the Courts, on the same Days on which the said Lord Chief Justice or Lord Chief Baron, or any other Judge of the same Court, shall be sitting to try Causes at those Places respectively, or at either of them, so that the Trial of Two Causes may be proceeded with at the same Time; and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend at or for the Trial of any Cause before the said Lord Chief Justice or Lord Chief Baron, as the Case may be, shall give their Attendance at and for the Trial thereof before such other Judge as may be sitting to try the same by virtue of this Act; and it shall be lawful for the Associates and other Officers of the Lord Chief Justice or Lord Chief Baron, as the Case may be, to appoint from Time to Time fit and proper Persons, to be approved by the said Lord Chief Justice or Lord Chief Baron, to attend for them and on their Behalf respectively before such Judge; and the Trial of every Cause which shall be so had by virtue of this Act shall, if necessary, be entered of Record, as having been had before the Judge by whom such Cause in fact was tried.

Power to Court or Judge to direct Arbitration before Trial.

III. If it be made appear, at any Time after the issuing of the Writ, to the Satisfaction of the Court or a Judge, upon the Application of either Party, that the Matter in dispute consists wholly or in part of Matters of mere Account which cannot conveniently be tried in the ordinary Way, it shall be lawful for such Court or Judge, upon such Application, if they or he think fit, to decide such Matter in a summary Manner, or to order that such Matter, either wholly or in part, be referred to an Arbitrator appointed by the Parties, or to an Officer of the Court, or, in Country Causes, to the Judge of any County Court, upon such Terms as to Costs and otherwise as such Court or Judge shall think reasonable; and the Decision or Order of such Court or Judge, or the Award or Certificate of such Referee, shall be enforceable by the same Process as the Finding of a Jury upon the Matter referred.

IV. If

IV. If it shall appear to the Court or a Judge that the Allowance or Disallowance of any particular Item or Items in such Account depends upon a Question of Law fit to be decided by the Court, or upon a Question of Fact fit to be decided by a Jury, or by a Judge upon the Consent of both Parties as herein-before provided, it shall be lawful for such Court or Judge to direct a Case to be stated, or an Issue or Issues to be tried; and the Decision of the Court upon such Case, and the Finding of the Jury or Judge upon such Issue or Issues, shall be taken and acted upon by the Arbitrator as conclusive.

Special Case may be stated, and Question of Fact tried.

V. It shall be lawful for the Arbitrator upon any compulsory Reference under this Act, or upon any Reference by Consent of Parties where the Submission is or may be made a Rule or Order of any of the Superior Courts of Law or Equity at *Westminster*, if he shall think fit, and if it is not provided to the contrary, to state his Award, as to the whole or any Part thereof, in the Form of a Special Case for the Opinion of the Court, and when an Action is referred, Judgment, if so ordered, may be entered according to the Opinion of the Court.

Arbitrator may state Special Case.

VI. If upon the Trial of any Issue of Fact by a Judge under this Act it shall appear to the Judge that the Questions arising thereon involve Matter of Account which cannot conveniently be tried before him, it shall be lawful for him, at his Discretion, to order that such Matter of Account be referred to an Arbitrator appointed by the Parties, or to an Officer of the Court, or, in Country Causes, to a Judge of any County Court, upon such Terms as to Costs, and otherwise, as such Judge shall think reasonable; and the Award or Certificate of such Referee shall have the same Effect as herein-before provided as to the Award or Certificate of a Referee before Trial; and it shall be competent for the Judge to proceed to try and dispose of any other Matters in question, not referred, in like Manner as if no Reference had been made.

Power to Judge to direct Arbitration at Time of Trial, when Issues of Fact left to his Decision.

VII. The Proceedings upon any such Arbitration as aforesaid shall, except otherwise directed hereby or by the Submission or Document authorizing the Reference, be conducted in like Manner, and subject to the same Rules and Enactments, as to the Power of the Arbitrator and of the Court, the Attendance of Witnesses, the Production of Documents, enforcing or setting aside the Award, and otherwise, as upon a Reference made by Consent under a Rule of Court or Judge's Order.

Proceedings before and Power of such Arbitrator.

VIII. In any Case where Reference shall be made to Arbitration as aforesaid the Court or a Judge shall have Power at any Time, and from

Power to send back to Arbitrator.

from Time to Time, to remit the Matters referred, or any or either of them, to the Re-consideration and Re-determination of the said Arbitrator, upon such Terms, as to Costs and otherwise, as to the said Court or Judge may seem proper.

Application to set aside the Award.

IX. All Applications to set aside any Award made on a compulsory Reference under this Act shall and may be made within the First Seven Days of the Term next following the Publication of the Award to the Parties, whether made in Vacation or Term; and if no such Application is made, or if no Rule is granted thereon, or if any Rule granted thereon is afterwards discharged, such Award shall be final between the Parties.

Enforcing of Awards within Period for setting them aside.

X. Any Award made on a compulsory Reference under this Act may, by Authority of a Judge, on such Terms as to him may seem reasonable, be enforced at any Time after Seven Days from the Time of Publication, notwithstanding that the Time for moving to set it aside has not elapsed.

If Action commenced by One Party after all have agreed to Arbitration, Court or Judge may stay Proceedings.

XI. Whenever the Parties to any Deed or Instrument in Writing to be hereafter made or executed, or any of them, shall agree that any then existing or future Differences between them or any of them shall be referred to Arbitration, and any One or more of the Parties so agreeing, or any Person or Persons claiming through or under him or them, shall nevertheless commence any Action at Law or Suit in Equity against the other Party or Parties, or any of them, or against any Person or Persons claiming through or under him or them in respect of the Matters so agreed to be referred, or any of them, it shall be lawful for the Court in which Action or Suit is brought, or a Judge thereof, on Application by the Defendant or Defendants, or any of them, after Appearance and before Plea or Answer, upon being satisfied that no sufficient Reason exists why such Matters cannot be or ought not to be referred to Arbitration according to such Agreement as aforesaid, and that the Defendant was at the Time of the bringing of such Action or Suit and still is ready and willing to join and concur in all Acts necessary and proper for causing such Matters so to be decided by Arbitration, to make a Rule or Order staying all Proceedings in such Action or Suit, on such Terms as to Costs and otherwise as to such Court or Judge may seem fit: Provided always, that any such Rule or Order may at any Time afterwards be discharged or varied as Justice may require.

On Failure of Parties or Arbitrators, Judge may appoint

XII. If in any Case of Arbitration the Document authorizing the Reference provide that the Reference shall be to a single Arbitrator, and all the Parties do not, after Differences have arisen, concur in the Appointment of an Arbitrator; or if any appointed Arbitrator refuse

refuse to act, or become incapable of acting, or die, and the Terms of such Document do not show that it was intended that such Vacancy should not be supplied, and the Parties do not concur in appointing a new one; or if, where the Parties or Two Arbitrators are at liberty to appoint an Umpire or Third Arbitrator, such Parties or Arbitrators do not appoint an Umpire or Third Arbitrator; or if any appointed Umpire or Third Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of the Document authorizing the Reference do not show that it was intended that such a Vacancy should not be supplied, and the Parties or Arbitrators respectively do not appoint a new one; then in every such Instance any Party may serve the remaining Parties or the Arbitrators, as the Case may be, with a written Notice to appoint an Arbitrator, Umpire, or Third Arbitrator respectively; and if within Seven clear Days after such Notice shall have been served no Arbitrator, Umpire, or Third Arbitrator be appointed, it shall be lawful for any Judge of any of the Superior Courts of Law or Equity at *Westminster*, upon Summons to be taken out by the Party having served such Notice as aforesaid, to appoint an Arbitrator, Umpire, or Third Arbitrator, as the Case may be, and such Arbitrator, Umpire, and Third Arbitrator respectively shall have the like Power to act in the Reference and make an Award as if he had been appointed by Consent of all Parties.

single Arbitrator or Umpire.

XIII. When the Reference is or is intended to be to Two Arbitrators, One appointed by each Party, it shall be lawful for either Party, in the Case of the Death, Refusal to act, or Incapacity of any Arbitrator appointed by him, to substitute a new Arbitrator, unless the Document authorizing the Reference show that it was intended that the Vacancy should not be supplied; and if on such a Reference One Party fail to appoint an Arbitrator, either originally or by way of Substitution as aforesaid, for Seven clear Days after the other Party shall have appointed an Arbitrator, and shall have served the Party so failing to appoint with Notice in Writing to make the Appointment, the Party who has appointed an Arbitrator may appoint such Arbitrator to act as sole Arbitrator in the Reference, and an Award made by him shall be binding on both Parties as if the Appointment had been by Consent; provided, however, that the Court or a Judge may revoke such Appointment, on such Terms as shall seem just.

When Reference is to Two Arbitrators and One Party fail to appoint, other Party may appoint Arbitrator to act alone.

XIV. When the Reference is to Two Arbitrators, and the Terms of the Document authorizing it do not show that it was intended that there should not be an Umpire, or provide otherwise for the Appointment of an Umpire, the Two Arbitrators may appoint an Umpire at any Time within the Period during which they have Power to make an Award, unless they be called upon by Notice as aforesaid to make the Appointment sooner.

Two Arbitrators may appoint Umpire.

XV. The

Award to be made in Three Months, unless Parties or Court enlarge Time.

XV. The Arbitrator acting under any such Document or compulsory Order of Reference as aforesaid, or under any Order referring the Award back, shall make his Award under his Hand, and (unless such Document or Order respectively shall contain a different Limit of Time) within Three Months after he shall have been appointed, and shall have entered on the Reference, or shall have been called upon to act by a Notice in Writing from any Party, but the Parties may by Consent in Writing enlarge the Term for making the Award; and it shall be lawful for the Superior Court of which such Submission, Document, or Order is or may be made a Rule or Order, or for any Judge thereof, for good Cause to be stated in the Rule or Order for Enlargement, from Time to Time to enlarge the Term for making the Award; and if no Period be stated for the Enlargement in such Consent or Order for Enlargement, it shall be deemed to be an Enlargement for One Month; and in any Case where an Umpire shall have been appointed it shall be lawful for him to enter on the Reference in lieu of the Arbitrators, if the latter shall have allowed their Time or their extended Time to expire without making an Award, or shall have delivered to any Party or to the Umpire a Notice in Writing stating that they cannot agree.

Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment

XVI. When any Award made on any such Submission, Document, or Order of Reference as aforesaid directs that Possession of any Lands or Tenements capable of being the Subject of an Action of Ejectment shall be delivered to any Party, either forthwith or at any future Time, or that any such Party is entitled to the Possession of any such Lands or Tenements, it shall be lawful for the Court of which the Document authorizing the Reference is or is made a Rule or Order to order any Party to the Reference who shall be in possession of any such Lands or Tenements, or any Person in possession of the same claiming under or put in possession by him since the making of the Document authorizing the Reference, to deliver Possession of the same to the Party entitled thereto, pursuant to the Award, and such Rule or Order to deliver Possession shall have the Effect of a Judgment in Ejectment against every such Party or Person named in it, and Execution may issue, and Possession shall be delivered by the Sheriff as on a Judgment in Ejectment.

Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear.

XVII. Every Agreement or Submission to Arbitration by Consent, whether by Deed or Instrument in Writing, not under Seal, may be made a Rule of any One of the Superior Courts of Law or Equity at *Westminster*, on the Application of any Party thereto, unless such Agreement or Submission contain Words purporting that the Parties intend that it should not be made a Rule of Court; and if in any such Agreement or Submission it is provided that the same shall or may be made a Rule of One in particular of such Superior Courts, it may be made a Rule

Rule of that Court only; and if when there is no such Provision a Case be stated in the Award for the Opinion of One of the Superior Courts, and such Court be specified in the Award, and the Document authorizing the Reference have not, before the Publication of the Award to the Parties, been made a Rule of Court, such Document may be made a Rule only of the Court specified in the Award; and when in any Case the Document authorizing the Reference is or has been made a Rule or Order of any One of such Superior Courts, no other of such Courts shall have any Jurisdiction to entertain any Motion respecting the Arbitration or Award.

Speeches to the Jury.

XVIII. Upon the Trial of any Cause the Addresses to the Jury shall be regulated as follows: The Party who begins, or his Counsel, shall be allowed, in the event of his Opponent not announcing at the Close of the Case of the Party who begins his Intention to adduce Evidence, to address the Jury a Second Time at the Close of such Case, for the Purpose of summing up the Evidence; and the Party on the other Side, or his Counsel, shall be allowed to open the Case, and also to sum up the Evidence (if any); and the Right to reply shall be the same as at present.

Power to adjourn Trial.

XIX. It shall be lawful for the Court or Judge, at the Trial of any Cause, where they or he may deem it right for the Purposes of Justice, to order an Adjournment for such Time, and subject to such Terms and Conditions as to Costs, and otherwise, as they or he may think fit.

Affirmation instead of Oath in certain Cases.

XX. If any Person called as a Witness, or required or desiring to make an Affidavit or Deposition, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge or other presiding Officer, or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following; *videlicet*,

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, That 'the taking of any Oath is, according to my religious Belief, 'unlawful; and I do also solemnly, sincerely, and truly affirm and 'declare, *&c.*'

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

Persons making a false Affirmation.

XXI. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter

be subject to the same Punishment as for Perjury.

Matter or Thing, which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

How far a Party may discredit his own Witness.

XXII. A Party producing a Witness shall not be allowed to impeach his Credit by general Evidence of bad Character, but he may, in case the Witness shall in the Opinion of the Judge prove adverse, contradict him by other Evidence, or, by Leave of the Judge, prove that he has made at other Times a Statement inconsistent with his present Testimony; but before such last-mentioned Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Proof of contradictory Statements of adverse Witness.

XXIII. If a Witness, upon Cross-examination as to a former Statement made by him relative to the Subject Matter of the Cause, and inconsistent with his present Testimony, does not distinctly admit that he has made such Statement, Proof may be given that he did in fact make it; but before such Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Cross-examination as to previous Statements in Writing.

XXIV. A Witness may be cross-examined as to previous Statements made by him in Writing, or reduced into Writing, relative to the Subject Matter of the Cause without such Writing being shown to him; but if it is intended to contradict such Witness by the Writing, his Attention must, before such contradictory Proof can be given, be called to those Parts of the Writing which are to be used for the Purpose of so contradicting him: Provided always, that it shall be competent for the Judge, at any Time during the Trial, to require the Production of the Writing for his Inspection, and he may thereupon make such Use of it for the Purposes of the Trial as he shall think fit.

Proof of previous Conviction of a Witness may be given.

XXV. A Witness in any Cause may be questioned as to whether he has been convicted of any Felony or Misdemeanor, and, upon being so questioned, if he either denies the Fact, or refuses to answer, it shall be lawful for the opposite Party to prove such Conviction; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for such Offence, purporting to be signed by the Clerk of the Court, or other Officer having the Custody of the Records of the Court where the Offender was convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken,)

taken,) shall, upon Proof of the Identity of the Person, be sufficient Evidence of the said Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Attesting Witness need not be called, except in certain Cases.

XXVI. It shall not be necessary to prove by the attesting Witness any Instrument to the Validity of which Attestation is not requisite; and such Instrument may be proved by Admission, or otherwise, as if there had been no attesting Witness thereto.

Comparison of disputed Writing.

XXVII. Comparison of a disputed Writing with any Writing proved to the Satisfaction of the Judge to be genuine shall be permitted to be made by Witnesses; and such Writings, and the Evidence of Witnesses respecting the same, may be submitted to the Court and Jury as Evidence of the Genuineness, or otherwise, of the Writing in dispute.

Provision for stamping Documents at the Trial.

XXVIII. Upon the Production of any Document as Evidence at the Trial of any Cause, it shall be the Duty of the Officer of the Court whose Duty it is to read such Document to call the Attention of the Judge to any Omission or Insufficiency of the Stamp; and the Document, if unstamped, or not sufficiently stamped, shall not be received in Evidence until the whole or (as the Case may be) the Deficiency of the Stamp Duty, and the Penalty required by Statute, together with the additional Penalty of One Pound, shall have been paid.

Officer of the Court to receive the Duty and Penalty.

XXIX. Such Officer of the Court shall, upon Payment to him of the whole or (as the Case may be) of the Deficiency of the Stamp Duty payable upon or in respect of such Document, and of the Penalty required by Statute, and of the additional Penalty of One Pound, give a Receipt for the Amount of the Duty or Deficiency which the Judge shall determine to be payable, and also of the Penalty, and thereupon such Document shall be admissible in Evidence, saving all just Exceptions on other Grounds; and an Entry of the Fact of such Payment and of the Amount thereof shall be made in a Book kept by such Officer; and such Officer shall, at the End of each Sittings or Assizes (as the Case may be), duly make a Return to the Commissioners of the Inland Revenue of the Monies, if any, which he has so received by way of Duty or Penalty, distinguishing between such Monies, and stating the Name of the Cause and of the Parties from whom he received such Monies, and the Date, if any, and Description of the Document for the Purpose of identifying the same; and he shall pay over the said Monies to the Receiver General of the Inland Revenue, or to such Person as the said Commissioners shall appoint or authorize to receive the same; and in case such Officer shall neglect or refuse to furnish such Account, or to pay over any of the Monies so received by him as aforesaid, he shall be liable to be proceeded

against in the Manner directed by the Eighth Section of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, and to amend the Laws relating to the Stamp Duties;* and the said Commissioners shall, upon Request, and Production of the Receipt herein-before mentioned, cause such Documents to be stamped with the proper Stamp or Stamps in respect of the Sums so paid as aforesaid: Provided always, that the aforesaid Enactment shall not extend to any Document which cannot now be stamped after the Execution thereof on Payment of the Duty and a Penalty.

13 & 14 Vict. c. 97.

No Document under this Act to require a Stamp.

XXX. No Document made or required under the Provisions of this Act shall be liable to any Stamp Duty.

No new Trial for ruling as to Stamp.

XXXI. No new Trial shall be granted by reason of the ruling of any Judge that the Stamp upon any Document is sufficient, or that the Document does not require a Stamp.

Error may be brought on a Special Case.

XXXII. Error may be brought upon a Judgment upon a Special Case in the same Manner as upon a Judgment upon a Special Verdict, unless the Parties agree to the contrary; and the Proceedings for bringing a Special Case before the Court of Error shall, as nearly as may be, be the same as in the Case of a Special Verdict; and the Court of Error shall either affirm the Judgment or give the same Judgment as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any Inferences of Fact from the Facts stated in such Special Case which the Court where it was originally decided ought to have drawn.

Grounds to be stated in Rule Nisi for New Trial.

XXXIII. In every Rule Nisi for a New Trial or to enter a Verdict or Nonsuit, the Grounds upon which such Rule shall have been granted shall be shortly stated therein.

If Rule Nisi refused, Party may appeal.

XXXIV. In all Cases of Rules to enter a Verdict or Nonsuit upon a Point reserved at the Trial, if the Rule to show Cause be refused or granted and then discharged or made absolute, the Party decided against may appeal.

Appeal upon Rule discharged or absolute.

XXXV. In all Cases of Motions for a new Trial upon the Ground that the Judge has not ruled according to Law, if the Rule to show Cause be refused, or if granted be then discharged or made absolute, the Party decided against may appeal, provided any One of the Judges dissent from the Rule being refused, or, when granted, being discharged or made absolute, as the Case may be, or, provided the Court in its Discretion think fit that an Appeal should be allowed; provided,

provided, that where the Application for a new Trial is upon Matter of Discretion only, as on the Ground that the Verdict was against the Weight of Evidence or otherwise, no such Appeal shall be allowed.

XXXVI. The Court of Error, the Exchequer Chamber, and the House of Lords shall be Courts of Appeal for the Purposes of this Act. **Courts of Error to be Courts of Appeal.**

XXXVII. No Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to One of the Masters of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge. **Notice of Appeal.**

XXXVIII. Notice of Appeal shall be a Stay of Execution, provided Bail to pay the Sum recovered and Costs, or to pay Costs where the Appellant was Plaintiff below, be given, in like Manner and to the same Amount as Bail in Error, within Eight Days after the Decision complained of, or before Execution delivered to the Sheriff. **Bail.**

XXXIX. The Appeal herein-before mentioned shall be upon a Case to be stated by the Parties, (and in case of Difference, to be settled by the Court or a Judge of the Court appealed from,) in which Case shall be set forth so much of the Pleadings, Evidence, and the Ruling or Judgment objected to, as may be necessary to raise the Question for the Decision of the Court of Appeal. **Form of Appeal.**

XL. When the Appeal is from the Refusal of the Court below to grant a Rule to show Cause, and the Court of Appeal grant such Rule, such Rule shall be argued and disposed of in the Court of Appeal. **Rule Nisi granted on Appeal, how disposed of.**

XLI. The Court of Appeal shall give such Judgment as ought to have been given in the Court below; and all such further Proceedings may be taken thereupon as if the Judgment had been given by the Court in which the Record originated. **Judgment Court of Appeal.**

XLII The Court of Appeal shall have Power to adjudge Payment of Costs, and to order Restitution; and they shall have the same Powers as the Court of Error in respect of awarding Process and otherwise. **Powers of Court of Appeal as to Costs and otherwise.**

XLIII. Upon an Award of a Trial *de novo* by any One of the Superior Courts or by the Court of Error, upon Matter appearing upon the Record, Error may at once be brought; and if the Judgment in such or any other Case be affirmed in Error, it shall be lawful for the Court of Error to adjudge Costs to the Defendant in Error. **Error upon Award of Trial de novo.**

XLIV. When

Payment of Costs upon new Trial on Matter of Fact.

XLIV. When a new Trial is granted, on the Ground that the Verdict was against Evidence, the Costs of the First Trial shall abide the Event, unless the Court shall otherwise order.

Affidavits on new Matter.

XLV. Upon Motions founded upon Affidavits it shall be lawful for either Party, with Leave of the Court or a Judge, to make Affidavits in answer to the Affidavits of the opposite Party, upon any new Matter arising out of such Affidavits, subject to all such Rules as shall hereafter be made respecting such Affidavits.

Power to Court or Judge to direct oral Examinations of Witnesses.

XLVI. Upon the Hearing of any Motion or Summons it shall be lawful for the Court or Judge, at their or his Discretion, and upon such Terms as they or he shall think reasonable, from Time to Time to order such Documents as they or he may think fit to be produced, and such Witnesses as they or he may think necessary to appear, and be examined *vivâ voce*, either before such Court or Judge, or before the Master, and upon hearing such Evidence, or reading the Report of such Master, to make such Rule or Order as may be just.

Proceedings before and upon such Examination.

XLVII. The Court or Judge may by such Rule or Order, or any subsequent Rule or Order, command the Attendance of the Witnesses named therein, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Rule or Order; and such Rule or Order shall be proceeded upon in the same Manner, and shall have the same Force and Effect, as a Rule of the Court under an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories or otherwise;* and it shall be lawful for the Court, or Judge, or Master to adjourn the Examination from Time to Time as Occasion may require; and the Proceedings upon such Examination shall be conducted, and the Depositions taken down, as nearly as may be, in the Mode now in use with respect to the *vivâ voce* Examination of Witnesses under the last-mentioned Act.

1 W. 4. c. 22.

Examination of Person who refuses to make an Affidavit.

XLVIII. Any Party to any Civil Action or other Civil Proceeding in any of the Superior Courts, requiring the Affidavit of a Person who refuses to make an Affidavit, may apply by Summons for an Order to such Person to appear and be examined upon Oath before a Judge or Master, to whom it may be most convenient to refer such Examination, as to the Matters concerning which he has refused to make an Affidavit; and a Judge may, if he think fit, make such Order for the Attendance of such Person before the Person therein appointed to take such Examination, for the Purpose of being examined as aforesaid, and for the Production of any Writings or Documents to be mentioned in such Order, and may therein impose such Terms as to such Examination,

tion, and the Costs of the Application and Proceedings thereon, as he shall think just.

Proceedings upon Order for Examination.

XLIX. Such Order shall be proceeded upon in like Manner as an Order made under the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, and the Examination thereon shall be conducted, and the Depositions taken down and returned, as nearly as may be, in the Mode now used on *vivâ voce* Examinations under the said Act of Parliament.

Discovery of Documents.

L. Upon the Application of either Party to any Cause or other Civil Proceeding in any of the Superior Courts, upon an Affidavit by such Party of his Belief that any Document, to the Production of which he is entitled for the Purpose of Discovery or otherwise, is in the Possession or Power of the opposite Party, it shall be lawful for the Court or Judge to order that the Party against whom such Application is made, or if such Party is a Body Corporate that some Officer to be named of such Body Corporate, shall answer on Affidavit, stating what Documents he or they has or have in his or their Possession or Power relating to the Matters in dispute, or what he knows as to the Custody they or any of them are in, and whether he or they objects or object (and if so, on what Grounds,) to the Production of such as are in his or their Possession or Power; and upon such Affidavit being made the Court or Judge may make such further Order thereon as shall be just.

Power to deliver written Interrogatories to opposite Party.

LI. In all Causes in any of the Superior Courts, by Order of the Court or a Judge, the Plaintiff may, with the Declaration, and the Defendant may, with the Plea, or either of them by Leave of the Court or a Judge may, at any other Time, deliver to the opposite Party or his Attorney (provided such Party, if not a Body Corporate, would be liable to be called and examined as a Witness upon such Matter) Interrogatories in Writing upon any Matter as to which Discovery may be sought, and require such Party, or in the Case of a Body Corporate any of the Officers of such Body Corporate, within Ten Days to answer the Questions in Writing by Affidavit, to be sworn and filed in the ordinary Way; and any Party or Officer omitting, without just Cause, sufficiently to answer all Questions as to which a Discovery may be sought within the above Time, or such extended Time as the Court or a Judge shall allow, shall be deemed to have committed a Contempt of the Court, and shall be liable to be proceeded against accordingly.

Affidavits by Party proposing to interrogate, and his Attorney.

LII. The Application for such Order shall be made upon an Affidavit of the Party proposing to interrogate, and his Attorney or Agent, or, in the Case of a Body Corporate, of their Attorney or Agent,

Agent, stating that the Deponents or Deponent believe or believes that the Party proposing to interrogate, whether Plaintiff or Defendant, will derive material Benefit in the Cause from the Discovery which he seeks, that there is a good Cause of Action or Defence upon the Merits, and, if the Application be made on the Part of the Defendant, that the Discovery is not sought for the Purpose of Delay; provided that where it shall happen, from unavoidable Circumstances, that the Plaintiff or Defendant cannot join in such Affidavit, the Court or Judge may, if they or he think fit, upon Affidavit of such Circumstances by which the Party is prevented from so joining therein, allow and order that the Interrogatories may be delivered without such Affidavit.

Oral Examination of Parties, when to be allowed.

LIII. In case of Omission, without just Cause, to answer sufficiently such written Interrogatories, it shall be lawful for the Court or a Judge, at their or his Discretion, to direct an oral Examination of the interrogated Party, as to such Points as they or he may direct, before a Judge or Master; and the Court or Judge may by such Rule or Order, or any subsequent Rule or Order, command the Attendance of such Party or Parties before the Person appointed to take such Examination, for the Purpose of being orally examined as aforesaid, or the Production of any Writings or other Documents to be mentioned in such Rule or Order, and may impose therein such Terms as to such Examination, and the Costs of the Application, and of the Proceedings thereon, and otherwise, as to such Court or Judge shall seem just.

Proceedings upon such Rule or Order.

LIV. Such Rule or Order shall have the same Force and Effect, and may be proceeded upon in like Manner, as an Order made under the said herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth.

Depositions upon such Examinations to be returned to Master's Office.

LV. Whenever, by virtue of this Act, an Examination of any Witness or Witnesses has been taken before a Judge of One of the said Superior Courts, or before a Master, the Depositions taken down by such Examiner shall be returned to and kept in the Master's Office of the Court in which the Proceedings are pending; and Office Copies of such Depositions may be given out, and the Depositions may be otherwise used, in the same Manner as in the Case of Depositions taken under the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth.

1 W. 4. c. 22.

Examiner may make special Report to the Court.

LVI. It shall be lawful for every Judge or Master named in any such Rule or Order as aforesaid for taking Examinations under this Act, and he is hereby required to make, if need be, a special

special Report to the Court in which such Proceedings are pending, touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any Case of Contempt of the Court.

Costs of Rule and Examination to be in the Discretion of the Court.

LVII. The Costs of every Application for any Rule or Order to be made for the Examination of Witnesses by virtue of this Act, and of the Rule or Order and Proceedings thereon, shall be in the Discretion of the Court or Judge by whom such Rule or Order is made.

Inspection by Jury, of Parties, or Witnesses.

LVIII. Either Party shall be at liberty to apply to the Court or a Judge for a Rule or Order for the Inspection by the Jury, or by himself, or by his Witnesses, of any Real or Personal Property the Inspection of which may be material to the proper Determination of the Question in dispute; and it shall be lawful for the Court, or a Judge, if they or he think fit, to make such Rule or Order, upon such Terms as to Costs and otherwise as such Court or Judge may direct: Provided always, that nothing herein contained shall affect the Provisions of the "Common Law Procedure Act, 1852," or any previous Act, as to obtaining a View by a Jury: Provided also, that all Rules and Regulations now in force and applicable to the Proceedings by View under the said last-mentioned Act shall be held to apply to Proceedings for Inspection by a Jury under the Provisions of this Act, or as near thereto as may be.

Rule or Order for summoning Jury.

LIX. The several Courts, or any Judge thereof, may make all such Rules or Orders upon the Sheriff or other Person as may be necessary to procure the Attendance of a Special or Common Jury for the Trial of any Cause or Matter depending in such Courts, at such Time and Place and in such Manner as they or he may think fit.

Examination of Judgment Debtor as to Debts due to him.

LX. It shall be lawful for any Creditor who has obtained a Judgment in any of the Superior Courts to apply to the Court or a Judge for a Rule or Order that the Judgment Debtor should be orally examined as to any and what Debts are owing to him before a Master of the Court, or such other Person as the Court or Judge shall appoint; and the Court or Judge may make such Rule or Order for the Examination of such Judgment Debtor, and for the Production of any Books or Documents, and the Examination shall be conducted in the same Manner as in the Case of an oral Examination of an opposite Party before a Master under this Act.

LXI. It

Judge may order an Attachment of Debts.

LXI. It shall be lawful for a Judge, upon the *ex-parte* Application of such Judgment Creditor, either before or after such oral Examination, and upon Affidavit by himself or his Attorney stating that Judgment has been recovered, and that it is still unsatisfied, and to what Amount, and that any other Person is indebted to the Judgment Debtor, and is within the Jurisdiction, to order that all Debts owing or accruing from such Third Person (herein-after called the Garnishee) to the Judgment Debtor shall be attached to answer the Judgment Debt; and by the same or any subsequent Order it may be ordered that the Garnishee shall appear before the Judge or a Master of the Court, as such Judge shall appoint, to show Cause why he should not pay the Judgment Creditor the Debt due from him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the Judgment Debt.

Order for Attachment to bind Debts.

LXII. Service of an Order that Debts due or accruing to the Judgment Debtor shall be attached, or Notice thereof to the Garnishee, in such Manner as the Judge shall direct, shall bind such Debts in his Hands.

Proceedings to levy Amount due from Garnishee to Judgment Debtor.

LXIII. If the Garnishee does not forthwith pay into Court the Amount due from him to the Judgment Debtor, or an Amount equal to the Judgment Debt, and does not dispute the Debt due or claimed to be due from him to the Judgment Debtor, or if he does not appear upon Summons, then the Judge may order Execution to issue, and it may be sued forth accordingly, without any previous Writ or Process, to levy the Amount due from such Garnishee towards Satisfaction of the Judgment Debt.

Judge may allow Judgment Creditor to sue Garnishee.

LXIV. If the Garnishee disputes his Liability, the Judge, instead of making an Order that Execution shall issue, may order that the Judgment Creditor shall be at liberty to proceed against the Garnishee by Writ, calling upon him to show Cause why there should not be Execution against him for the alleged Debt, or for the Amount due to the Judgment Debtor, if less than the Judgment Debt, and for Costs of Suit; and the Proceedings upon such Suit shall be the same, as nearly as may be, as upon a Writ of Revivor issued under "The Common Law Procedure Act, 1852."

Garnishee discharged.

LXV. Payment made by or Execution levied upon the Garnishee under any such Proceeding as aforesaid shall be a valid Discharge to him as against the Judgment Debtor to the Amount paid or levied, although such Proceeding may be set aside or the Judgment reversed.

Attachment Book to be kept by the

LXVI. In each of the Superior Courts there shall be kept at the Master's Office a Debt Attachment Book, and in such Book Entries shall

shall be made of the Attachment and Proceedings thereon, with Names, Dates, and Statements of the Amount recovered, and otherwise; and the Mode of keeping such Books shall be the same in all the Courts; and Copies of any Entries made therein may be taken by any Person, upon Application to any Master. Masters of each Court

LXVII. The Costs of any Application for an Attachment of Debt under this Act, and of any Proceedings arising from or incidental to such Application, shall be in the Discretion of the Court or a Judge. Costs of Application.

LXVIII. The Plaintiff in any Action in any of the Superior Courts, except Replevin and Ejectment, may endorse upon the Writ and Copy to be served a Notice that the Plaintiff intends to claim a Writ of Mandamus, and the Plaintiff may thereupon claim in the Declaration, either together with any other Demand which may now be enforced in such Action, or separately, a Writ of Mandamus commanding the Defendant to fulfil any Duty in the Fulfilment of which the Plaintiff is personally interested. Action for Mandamus to enforce the Performance of Duties.

LXIX. The Declaration in such Action shall set forth sufficient Grounds upon which such Claim is founded, and shall set forth that the Plaintiff is personally interested therein, and that he sustains or may sustain Damage by the Nonperformance of such Duty, and that Performance thereof has been demanded by him, and refused or neglected. Declaration in Action for Mandamus.

LXX. The Pleadings and other Proceedings in any Action in which a Writ of Mandamus is claimed shall be the same in all respects, as nearly as may be, and Costs shall be recoverable by either Party, as in an ordinary Action for the Recovery of Damages. Proceedings upon Claim for Mandamus.

LXXI. In case Judgment shall be given to the Plaintiff that a Mandamus do issue, it shall be lawful for the Court in which such Judgment is given, if it shall see fit, besides issuing Execution in the ordinary Way for the Costs and Damages, also to issue a peremptory Writ of Mandamus to the Defendant, commanding him forthwith to perform the Duty to be enforced. Judgment and Execution.

LXXII. The Writ need not recite the Declaration or other Proceedings, or the Matter therein stated, but shall simply command the Performance of the Duty, and in other respects shall be in the Form of an ordinary Writ of Execution, except that it shall be directed to the Party and not to the Sheriff, and may be issued in Term or Vacation, and returnable forthwith; and no Return thereto, except that of Compliance, shall be allowed, but Time to return it may, upon sufficient Form of peremptory Writ.

cient Grounds, be allowed by the Court or a Judge, either with or without Terms.

Effect of Writ of Mandamus, and Proceedings to enforce it.

LXXIII. The Writ of Mandamus so issued as aforesaid shall have the same Force and Effect as a peremptory Writ of Mandamus issued out of the Court of Queen's Bench, and in case of Disobedience may be enforced by Attachment.

The Court may order the Act to be done at the Expense of the Defendant.

LXXIV. The Court may, upon Application by the Plaintiff, besides or instead of proceeding against the disobedient Party by Attachment, direct that the Act required to be done may be done by the Plaintiff, or some other Person appointed by the Court, at the Expense of the Defendant; and upon the Act being done, the Amount of such Expense may be ascertained by the Court, either by Writ of Inquiry or Reference to a Master, as the Court or a Judge may order; and the Court may order Payment of the Amount of such Expenses and Costs, and enforce Payment thereof by Execution.

Prerogative Writ of Mandamus preserved.

LXXV. Nothing herein contained shall take away the Jurisdiction of the Court of Queen's Bench to grant Writs of Mandamus; nor shall any Writ of Mandamus issued out of that Court be invalid by reason of the Right of the Prosecutor to proceed by Action for Mandamus under this Act.

Proceedings for Prerogative Writ of Mandamus accelerated.

LXXVI. Upon Application by Motion for any Writ of Mandamus in the Court of Queen's Bench, the Rule may in all Cases be absolute in the first instance, if the Court shall think fit; and the Writ may bear Teste on the Day of its issuing, and may be made returnable forthwith, whether in Term or in Vacation, but Time may be allowed to return it, by the Court or a Judge, either with or without Terms.

Proceedings on Prerogative Writ of Mandamus

LXXVII. The Provisions of "The Common Law Procedure Act, 1852," and of this Act, so far as they are applicable, shall apply to the Pleadings and Proceedings upon a Prerogative Writ of Mandamus issued by the Court of Queen's Bench.

Specific Delivery of Chattels

LXXVIII. The Court or a Judge shall have Power, if they or he see fit so to do, upon the Application of the Plaintiff in any Action for the Detention of any Chattel, to order that Execution shall issue for the Return of the Chattel detained, without giving the Defendant the Option of retaining such Chattel upon paying the Value assessed, and that if the said Chattel cannot be found, and unless the Court or a Judge should otherwise order, the Sheriff shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick, till the Defendant render such Chattel, or, at the Option of the Plaintiff, that he

he cause to be made of the Defendant's Goods the assessed Value of such Chattel; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action.

Claim of Writ of Injunction.

LXXIX. In all Cases of Breach of Contract or other Injury, where the Party injured is entitled to maintain and has brought an Action, he may, in like Case and Manner as herein-before provided with respect to Mandamus, claim a Writ of Injunction against the Repetition or Continuance of such Breach of Contract, or other Injury, or the Committal of any Breach of Contract or Injury of a like kind, arising out of the same Contract, or relating to the same Property or Right; and he may also in the same Action include a Claim for Damages or other Redress.

Form of Writ of Summons and Endorsement thereon.

LXXX. The Writ of Summons in such Action shall be in the same Form as the Writ of Summons in any Personal Action, but on every such Writ and Copy thereof there shall be endorsed a Notice that in default of Appearance the Plaintiff may, besides proceeding to Judgment and Execution for Damages and Costs, apply for and obtain a Writ of Injunction.

Form of Proceedings and of Judgment.

LXXXI. The Proceedings in such Action shall be the same, as nearly as may be, and subject to the like Control, as the Proceedings in an Action to obtain a Mandamus under the Provisions herein-before contained; and in such Action Judgment may be given that the Writ of Injunction do or do not issue, as Justice may require; and in case of Disobedience such Writ of Injunction may be enforced by Attachment by the Court, or, when such Courts shall not be sitting, by a Judge.

Writ of Injunction may be applied for at any Stage of the Cause.

LXXXII. It shall be lawful for the Plaintiff at any Time after the Commencement of the Action, and whether before or after Judgment, to apply *ex parte* to the Court or a Judge for a Writ of Injunction to restrain the Defendant in such Action from the Repetition or Continuance of the wrongful Act or Breach of Contract complained of, or the Committal of any Breach of Contract or Injury of a like kind, arising out of the same Contract, or relating to the same Property or Right; and such Writ may be granted or denied by the Court or Judge upon such Terms as to the Duration of the Writ, keeping an Account, giving Security, or otherwise, as to such Court or Judge shall seem reasonable and just, and in case of Disobedience such Writ may be enforced by Attachment by the Court, or, when such Courts shall not be sitting, by a Judge: Provided always, that any Order for a Writ of Injunction made by a Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by the Court, on Application made thereto by any Party dissatisfied with such Order.

LXXXIII. It

Equitable Defence may be pleaded.

LXXXIII. It shall be lawful for the Defendant or Plaintiff in replevin in any Cause in any of the Superior Courts in which, if Judgment were obtained, he would be entitled to Relief against such Judgment on equitable Grounds, to plead the Facts which entitle him to such Relief by way of Defence, and the said Courts are hereby empowered to receive such Defence by way of Plea; provided that such Plea shall begin with the Words "For Defence on equitable Grounds," or Words to the like Effect.

Equitable Defence after Judgment

LXXXIV. Any such Matter which, if it arose before or during the Time for pleading, would be an Answer to the Action by way of Plea, may, if it arise after the Lapse of the Period during which it could be pleaded, be set up by way of Auditâ querelâ.

Equitable Replication.

LXXXV. The Plaintiff may reply, in answer to any Plea of the Defendant, Facts which avoid such Plea upon equitable Grounds; provided that such Replication shall begin with the Words "For Replication on equitable Grounds," or Words to the like Effect.

Court or Judge may strike out equitable Plea or Replication.

LXXXVI. Provided always, that in case it shall appear to the Court, or any Judge thereof, that any such equitable Plea or equitable Replication cannot be dealt with by a Court of Law so as to do Justice between the Parties, it shall be lawful for such Court or Judge to order the same to be struck out on such Terms as to Costs and otherwise as to such Court or Judge may seem reasonable.

Actions on lost Instruments

LXXXVII. In case of any Action founded upon a Bill of Exchange or other negotiable Instrument, it shall be lawful for the Court or a Judge to order that the Loss of such Instrument shall not be set up, provided an Indemnity is given, to the Satisfaction of the Court or Judge, or a Master, against the Claims of any other Person upon such negotiable Instrument.

Jurisdiction under Shipowners Act.

53 G. 3. c. 159.

LXXXVIII. The Superior Courts or any Judge thereof may, upon summary Application, by Rule or Order, exercise such and the like Jurisdiction as may, under the Provisions of an Act of Parliament made and passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to limit the Responsibility of Shipowners in certain Cases*, be exercised by any Court of Equity.

False Evidence

LXXXIX. Any Person who shall, upon any Examination upon Oath or Affirmation, or in any Affidavit in Proceedings under this Act, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

XC. Writs

XC. Writs of Execution to fix Bail may be tested and returnable in Vacation.

Execution to fix Bail.

XCI. Proceedings against Executors upon a Judgment of Assets *in futuro* may be had and taken in the Manner provided by "The Common Law Procedure Act, 1852," as to Writs of Revivor.

Scire facias on Judgment of Assets in futuro.

XCII. Where an Action would, but for the Provisions of "The Common Law Procedure Act, 1852," have abated by reason of the Death of either Party, and in which the Proceedings may be revived and continued under that Act, the Defendant or Person against whom the Action may be so continued may apply by Summons to compel the Plaintiff, or Person entitled to proceed with the Action in the Room of the Plaintiff, to proceed according to the Provisions of the said Act within such Time as the Judge shall order; and in default of such Proceeding the Defendant or other Person against whom the Action may be so continued as aforesaid shall be entitled to enter a Suggestion of such Default, and of the representative Character of the Person by or against whom the Action may be proceeded with, as the Case may be, and to have Judgment for the Costs of the Action and Suggestion against the Plaintiff, or against the Person entitled to proceed in his Room, as the Case may be, and in the latter Case to be levied of the Goods of the Testator or Intestate.

To compel Continuance or Abandonment of Action in case of Death.

XCIII. If any Person shall bring an Action of Ejectment after a prior Action of Ejectment for the same Premises has been or shall have been unsuccessfully brought by such Person, or by any Person through or under whom he claims against the same Defendant, or against any Person through or under whom he defends, the Court or a Judge may, if they or he think fit, on the Application of the Defendant at any Time after such Defendant has appeared to the Writ, order that the Plaintiff shall give to the Defendant Security for the Payment of the Defendant's Costs, and that all further Proceedings in the Cause shall be stayed until such Security be given, whether the prior Action has been or shall have been disposed of by Discontinuance, or by Nonsuit, or by Judgment for the Defendant.

Claimant in Second Ejectment for same Premises against same Defendant may be ordered to give Security for Costs.

XCIV. No Writ of Execution issued before the Twenty-fourth Day of *October* One thousand eight hundred and fifty-two, if unexecuted, shall remain in force for more than Six Calendar Months after the Twenty-fourth Day of *October* One thousand eight hundred and fifty-four, unless the same be renewed as herein-after mentioned, but all such Writs may be renewed from Time to Time in the same Manner as Writs issued after the Twenty-fourth Day of *October* One thousand eight hundred and fifty-two may now be renewed under the "Common Law Procedure Act, 1852," Section CXXIV.

As to Writs of Execution issued before 24th October 1852.

XCV. The

Courts may appoint Sittings.

XCV. The Superior Courts may appoint and hold Sittings either in Banc, or for the Trial of Issues in Fact by Judge or Jury, at any Time or Times, whether in Term or Vacation, not being between the Tenth of *August* and the Twenty-fourth of *October*.

Amendments.

XCVI. It shall be lawful for the Superior Courts of Common Law, and every Judge thereof, and any Judge sitting at Nisi Prius, at all Times to amend all Defects and Errors in any Proceedings under the Provisions of this Act, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend or not; and all such Amendments may be made with or without Costs, and upon such Terms as to the Court or Judge may seem fit; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made, if duly applied for.

General Rules may be made by the Judges.

XCVII. It shall be lawful for the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act, and of the Intention and Object hereof, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, and the Performance thereof, as in their Judgment shall be necessary or proper, and for that Purpose to meet from Time to Time as Occasion may require: Provided that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Courts or of the Judges thereof to make Rules or Orders, or otherwise to regulate and dispose of the Business therein.

New Forms of Writs and other Proceedings.

XCVIII. Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken, as may by the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted upon and enforced in such and the same Manner as Writs and Proceedings of the said Courts are now acted upon and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except as far as the Effect thereof may be varied by this Act.

Interpretation of Terms.

XCIX. In the Construction of this Act the Word "Court" shall be understood to mean any One of the Superior Courts of Common

mon Law at *Westminster*; and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts; and the Word "Master" shall be understood to mean a Master of any of the said Courts; and the Word "Action" shall be understood to mean any Personal Action in any of the said Courts.

Provisions relating to Superior Courts to apply to Court of Common Pleas at Lancaster and Court of Pleas at Durham.

C. All the Enactments and Provisions of this Act not relating exclusively to the Sittings for Trials of Causes or Issues in Fact at *London* or *Westminster* shall extend and apply to the Court of Common Pleas at *Lancaster* and the Court of Pleas at *Durham*, and Actions and Proceedings therein respectively, subject to the following Modifications: All the Powers given by this Act to the Judges of the said Superior Courts of Common Law at *Westminster* to make General Rules and Orders shall and may be exercised by the respective Judges of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, being Judges of One of the said Common Law Courts at *Westminster*, or any Two of them respectively, with respect to the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, and Matters and Proceedings therein within the Jurisdiction of the same Courts respectively; and all Powers under this Act exercisable by any One Judge of the Superior Courts at *Westminster* shall and may be exercisable by One Judge of the said Superior Courts of the said Counties Palatine, being also a Judge of One of the said Courts at *Westminster*, as to Matters and Proceedings in the said Superior Courts of the said Counties Palatine.

Provisions as to Masters of Superior Courts to apply to Prothonotaries of Palatinate Courts.

CI. Provided always, That all the Provisions of this Act applicable to Masters of the said Courts at *Westminster* shall apply to the respective Prothonotaries of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* and their respective Deputies acting in the Execution of the Duties of such Offices, which acting Officers respectively may singly exercise with reference to Matters and Proceedings in the last-mentioned Courts respectively the Powers hereby given to the Masters of the Superior Courts at *Westminster*.

Court of Queen's Bench to be the Court of Appeal from Palatinate Courts.

CII. Provided also, as to Proceedings in Appeal, That the Court of Queen's Bench, being the Court of Error from the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, shall also be the Court of Appeal from the said respective Courts for the Purposes of this Act in reference to Motions for New Trials, or to enter Verdicts or Nonsuits previously made to the Judges of the said respective Courts of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively.

Enactments in ss. 19 to 32 to apply to every Civil

CIII The Enactments contained in Sections Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-

Court of Judicature in England and Ireland.

Twenty-six, Twenty-seven, and Twenty-eight, Twenty-nine, Thirty, Thirty-one, and Thirty-two of this Act shall apply and extend to every Court of Civil Judicature in *England* and *Ireland*.

Commencement of Act.

CIV The Provisions of this Act shall come into operation on the Twenty-fourth Day of *October* in the Year of our Lord One thousand eight hundred and fifty-four.

Her Majesty may direct all or Part of this Act to extend to any Court of Record

CV. It shall be lawful for Her Majesty from Time to Time, by an Order in Council, to direct that all or any Part of the Provisions of this Act, or of the Rules to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in *England* and *Wales*, and within One Month after such Order shall have been made and published in the *London Gazette* such Provisions and Rules respectively shall extend and apply in manner directed by such Order, and any such Order may be in like Manner from Time to Time altered and annulled; and in and by any such Order Her Majesty may direct by whom any Powers or Duties incident to the Provisions applied under this Act, or the Common Law Procedure Act, 1852, shall and may be exercised with respect to Matters in such Court or Courts, and may make any Orders or Regulations which may be deemed requisite for carrying into operation in such Court or Courts the Provisions so applied.

Short Title of Act.

CVI. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Common Law Procedure Act, 1854."

Act not to extend to Ireland or Scotland.

CVII. Nothing in this Act shall extend to *Ireland* or *Scotland*, save as aforesaid.

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